

Licensing Committee Agenda



To: Councillor Pat Clouder (Vice-Chair) and Councillor Margaret Bird (Vice-Chair)

Councillors Karen Jewitt, Nina Degrad, Robert Canning, Felicity Flynn, Chris Clark, Robert Ward, Badsha Quadir, Jan Buttinger and Andy Stranack

Reserve Members: Steve O'Connell, Bernadette Khan, Jerry Fitzpatrick, Stephen Mann, Sherwan Chowdhury, Humayun Kabir, Patricia Hay-Justice, Sue Bennett, Simon Brew, Richard Chatterjee and Oni Oviri

A meeting of the **Licensing Committee** which you are hereby summoned to attend, will be held on **Wednesday, 9 December 2020 at 6.30 pm**. This meeting will be held remotely. Members will be sent a link to remotely attend the meeting in due course.

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Anoushka Clayton-Walshe
020 8726 6000 x62537
Anoushka.Clayton-
Walshe@croydon.gov.uk
Tuesday, 1 December 2020

Members of the public are welcome to watch the webcast both live and after the meeting has completed at <http://webcasting.croydon.gov.uk>

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Anoushka Clayton-Walshe 020 8726 6000 x62537 as detailed above.

AGENDA – PART A

1. Election of Chair

To elect a Chair for the remainder of the 2020/21 municipal year.

2. Apologies for Absence

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

3. Minutes of the Previous Meeting (Pages 5 - 14)

To approve the minutes of the meeting held on 30 September 2020 as an accurate record.

4. Minutes of previous Licensing Sub-Committee Meetings (Pages 15 - 36)

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

- 24 September 2020
- 6 October 2020
- 22 October 2020
- 4 November 2020
- 12 November 2020

5. 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.

6. 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.

7. London Local Authorities Act 1990: Application for Street Designation Order (Pages 37 - 58)

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

8. Licensing Act 2003: Review of Cumulative Impact Zones/Policies within London Borough of Croydon's Statement of Licensing Policy & Creation of Cumulative Impact Assessment (Pages 59 - 106)

The Committee is asked to consider the proposal to commence consultation on the proposal to maintain Cumulative Impact Areas as currently set out in the Licensing Statement of Policy 2018 and the reasons for this, agree that consultation be commenced regarding Cumulative Impact Areas and to note that the outcome of the consultation exercise will be reported back to Committee for further consideration and, if necessary, onward recommendation to Full Council.

9. London Local Authorities Act 1990: Request for Delegation of Decision Making Authority to the Director of Public Realm in respect of Uncontested Street Trading Designation and Variation Applications and Uncontested Street Trading Licence related Applications, including variations (Pages 107 - 124)

The Committee is asked to consider the recommendations as set out in the report.

10. 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 held on Wednesday, 30 September 2020 at 6.30 pm. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Callton Young OBE (Chair);
Councillor Pat Clouder (Vice-Chair) and Councillor Margaret Bird (Vice-Chair);
Councillors Karen Jewitt, Nina Degrads, Robert Canning, Richard Chatterjee,
Felicity Flynn, Chris Clark, Robert Ward, Badsha Quadir and Jan Buttinger

Also

Present: Michael Goddard (Head of Public Protection and Licensing)
Fiona Woodcock (Market and Street Trading Compliance Officer)
Jessica Stockton (Solicitor and Legal Advisor to the Committee)
Thomas Downs (Democratic Services)

Apologies: Councillor Andy Stranack

PART A

8/20 **Election of Vice-Chair**

The Chair announced, following the resignation of Vice-Chair Councillor Neal from the Committee, that a new Vice-Chair needed to be appointed (alongside Councillor Pat Clouder) for the remainder of the 2020/21 municipal year.

The Chair nominated Councillor Margaret Bird as Vice-Chair for the remainder of the 2020/21 municipal year.
Councillor Pat Clouder seconded the motion.

The Committee **RESOLVED** to appoint Councillor Margaret Bird as Vice-Chair for the remainder of the 2020/21 municipal year.

9/20 **Apologies for Absence**

Apologies were received from Councillor Andy Stranack, for whom Councillor Richard Chatterjee was in attendance as substitute.

10/20 **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 January 2020 were agreed as an accurate record.

11/20 **Minutes of previous Licensing Sub-Committee Meetings**

The minutes of the following Licensing Sub-Committees were approved as an accurate record:

- 28 May 2020
- 23 June 2020
- 18 August 2020

12/20 **Urgent Business (if any)**

There were no items of urgent business.

13/20 **Disclosure of Interests**

Councillors Chatterjee, Clouder, Jewitt and the Chair informed the committee that whilst there were applications in the next item located within their wards, there had been no previous involvement with these applications.

14/20 **London Local Authorities Act 1990: Applications for Street Designation Orders**

The Committee considered the application to designate the **Clocktower Market, on the highway outside Aldi, Station Road, South Norwood, SE25 (Appendix A)**.

The Head of Public Protection and Licensing introduced the item, explaining the process of designation for street trading, applying for street trading licences and the details of the application before the Committee. The Committee heard that the site had an existing designation, but as the holder had sought to trade on a larger area of public highway, a new street trading designation was required. The Committee heard that the nearest designation was at 2 Station Road. 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 section of highway in question was Croydon Council maintained.

The Applicant was present and stated that the market had been in operation for five years. A recent increase in popularity had prompted the application for a larger designation to accommodate more traders.

A Committee Member asked whether parking bays were suspended when the market was in operation, and heard that they were, as the stalls occupied the bays, facing towards the Aldi shopfront. Traffic Cones were placed behind the stalls to stop cars parking on the street. In response to a question about

whether the larger designation would block bicycle parking, the Applicant responded that it would not.

In response to a question about whether the designation would impede traffic, the Head of Public Protection and Licensing responded it would not, as the new row of stalls would back on to the Aldi shopfront. A Committee Member queried whether foot traffic could cause gridlock on Crystal Palace match days, with particular concern to social distancing; the Applicant responded that the police had requested there be no markets on match days, and that this had been agreed.

A Committee Member queried how social distancing and hygiene measures were maintained; the Applicant responded that hand sanitiser was present at both ends of the market and at stalls, mask use was encouraged, and market organisers encouraged customer flow to avoid bottlenecks.

Some Committee Members stated that they were familiar with the market, and praised the quality and organisation.

In response to a question about how queuing into Aldi could interfere with the market, the Applicant responded that the door near the market was not currently in use. When the door had been operational, this had been managed, and stalls were not placed close to this door.

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

1. To designate the **Clocktower Market, on the highway outside Aldi, Station Road, South Norwood, SE25** for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **Marmaris Cafe, 75 Mitchley Avenue, South Croydon, CR2 9HN (Appendix B)**.

The Head of Public Protection and Licensing introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was Croydon Council maintained.

The Applicant was not present to provide further comment on the application.

In response to questions about whether there were flats above the site, and if they had made any representations regarding smoking, the Market and Street

Trading Compliance Officer confirmed that they had not, and that there was a condition on the license that the Applicant make sure the area was clean and tidy. A Committee Member commented that it was a shame that the Applicant was not present to answer questions and queried who occupied the flats above the site; the Head of Public Protection and Licensing responded that this was not known. A Committee Member commented that there seemed to be adequate space in the street to allow such street trading as was applied for.

In response to a question about whether there would be a barrier or cordon, the Head of Public Protection and Licensing responded that this was a standard condition, but was not required until the license was granted. A Committee Member queried whether there was enough space for the barrier given the width of the chairs and the designation; the Market and Street Trading Compliance Officer responded that if chairs were orientated to face the tables there should be enough space.

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

1. To designate a section of public highway outside **Marmaris Cafe, 75 Mitchley Avenue, South Croydon, CR2 9HN** for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **145 Wickham Road, Shirley, CR0 8TE (Appendix C)**.

The Head of Public Protection and Licensing introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was TfL maintained.

The Applicant was present and thanked the Committee for their time. The Applicant stated that the business was normally closed by 15.30 on weekdays, and 16.30 on weekends. The outside seating was used by customers eating, drinking and smoking; ashtrays were provided, and the site was kept clean and tidy. The upstairs neighbours were known to the applicant, and customers of the business.

The Applicant responded to a question from a Committee Member regarding the 22.00 closing time listed on the application, stating that they had been advised to apply for later hours in case these were needed in the future, possibly for Christmas parties or private hire.

Committee Members queried whether an A-board shown in a photo on page 63 of the agenda would be kept in place to ensure there was enough space on the highway; the Applicant responded that it would be. In response to a question about whether there had been any issues with school children, the Applicant responded that some had sat in chairs to wait for buses on occasion, but there had been no issues.

Councillor Clark left the meeting at 19:35

Councillor Clark re-joined the meeting at 19:38

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

1. To designate a section of public highway outside **145 Wickham Road, Shirley, CR0 8TE** for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **147 Wickham Road, Shirley, CR0 8TE (Appendix D)**.

The Head of Public Protection and Licensing introduced the item, explaining the process of designation for street trading, applying for 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 section of highway in question was TfL maintained.

The Applicant was present and stated the opening hours of the business, informing the Committee that when the business from the previous application closed, this one opened. The business normally closed at 22.00 on weekdays, and by 22.45 on weekends. There had been no issues with neighbours, the police or the council. The designation was kept clean and tidy, and customers were asked to leave quietly at closing time.

In response to a Member's question, the Applicant informed the Committee that the last orders for food were usually 21.00, with the last orders for drinks being 21.45; customers normally left reasonably early.

A Member noted the similarity to the previous application, and stated that they did not have any concerns. A Committee Member commented on the possibility of increased trade during the summer, and stated their support for the business.

Councillor Clark left the meeting at 19:50

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

1. To designate a section of public highway outside **147 Wickham Road, Shirley, CR0 8TE** for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **Jalal Butcher's & Grocer's, 123 High Street, Thornton Heath, CRZ 8RZ (Appendix E)**.

The Head of Public Protection and Licensing introduced the item, explaining the process of designation for street trading, applying for street trading licences and the details of the application before the Committee. The Committee heard that there were three designations nearby at 117, 119 and 121 High Street, and that the site sat within the saturation policy for street trading. 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 section of highway in question was Croydon Council maintained.

The Applicant was not present to provide further comment on the application.

In response to a question about nearby designations, the Market and Street Trading Compliance Officer commented that these displays were a similar width and consisted of household goods, fruit, vegetables, and luggage. The pavement outside the site had been widened as part of a regeneration scheme, and problems with flooding had been corrected. Members commented that railings had been removed as part of the regeneration works; this had been done as the pavement was widened, however, concern was raised that if the designation was granted, the unobstructed highway would be the original width, but without a railing.

Members expressed concerns about the busyness of the highway, and the possible impact of the designation on pedestrians. A Committee Member asked for reassurance that the application did not conflict with the saturation policy; the Solicitor responded that the site was within the saturation area in the policy, however each matter needed to be considered individually and on its merits. The Committee needed to be satisfied that there was enough space for free movement on the highway, and that the designation would not form an obstruction. The Committee Member responded that, from personal experience, they were not confident the designation left enough space for free movement; the Member raised further concern about how close pedestrians might need to walk to the busy road when passing others, should the designation be granted.

In response to a concern from a Member about the Applicant complying with the designation size listed on the license, the Market and Street Trading Compliance Officer responded that compliance in the area was good, and that the remaining highway width was in excess of what was required.

In response to a question about whether complaints concerning deliveries from the High Street to shops in this area had been resolved, the Market and Street Trading Compliance Officer stated that they were not aware of the complaints. If there had been complaints, these would likely have been raised with Neighbourhood Safety Officers, who were notified of the application, and had not submitted representations.

A Committee Member commented that they had recently visited the site, and that the designation did not come out as far as the neighbouring designations, and raised concerns that these were not complying with their licenses. The Head of Public Protection and Licensing stated that this was an enforcement matter and would be looked into.

Committee Members raised concerns about the how representative the photos included in the report were, and stated that they felt they did not give a clear indication of the designation, and were taken on a day with below average footfall. A Committee Member stated that they felt the width of the designation was too wide as applied for. A Member stated they felt the extra width of the designation compared to its neighbours may create an unwanted pinch point. A Committee Member raised the possibility of asking the Applicant to submit a new designation for a lesser width.

A motion to **DEFER** the application pending further information and photographs, with an extension of the temporary licence, was proposed by Councillor Pat Clouder and Seconded by Councillor Robert Ward.

The Committee **RESOLVED** to **DEFER** the application to designate a section of public highway outside **Jalal Butcher's & Grocer's, 123 High Street, Thornton Heath, CRZ 8RZ**, pending further information and photographs, with an extension of the temporary licence in the intervening period.

15/20

Licensing Act 2003 (Hearings) Regulations 2005 and Gambling Act 2005 (Proceedings of Licensing Committees & Sub-Committees) (Premises Licenses and Provisional Statements) (England and Wales) Regulations 2007, Procedures for Licensing Sub-Committee Hearings

The Head of Public Protection and Licensing introduced the item and summarised the report. The Committee heard that they were being asked to approve additional protocols for Sub-Committee meetings, to allow for remote meetings. These protocols had already been applied at four Sub-Committee hearings, with the Chair approving the protocol at each meeting; if this report was approved, the Chair would no longer need to approve this report at each Sub-Committee.

The Vice-Chair stated that they had chaired all of the virtual Sub-Committees, and that the amended protocols had worked well.

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

1. Approve the revised protocol for Licensing Sub-Committee hearings under the Licensing Act 2003 as set out in full at Appendix 1 to the report for use in relation to remote Licensing Sub-Committee meetings, that the revised protocol be appended to Part 5F as Annex 2 and that the current Annex 2 to Part 5F be relabelled Annex 3 and that consequential amendments be made to Part 5F to ensure the correct references to the Annexes throughout.
2. Note that the Chair of the Sub-Committee had approved the use of the revised protocol for use during proceedings under the Licensing Act 2003 at the Sub-Committees set out at paragraph 3.6 in accordance with the authority in Annex 1 to Part 5F of the Constitution.
3. Approve the revised protocol for Licensing Sub-Committee hearings under the Gambling Act 2005 as set out in full at Appendix 2 to the report for use in relation to remote Licensing Sub-Committee meetings under the Gambling Act 2005; that the revised protocol be appended to Part 5G as Annex 2 and that consequential amendments be made to Part 5G to ensure the correct references to the Annexes throughout.

16/20 **Pavement Licensing: Update on Delegation of Functions**

The Head of Public Protection and Licensing introduced the item and informed the Committee that the Business and Planning Bill 2020 had introduced Pavement Licenses. This legislation was temporary, and aimed to assist businesses reopening following lockdown who wanted to put tables and chairs outside. The bill had come into force from the 22 July 2020.

The functions of the Bill had originally been Executive, however, on the 21 July 2020 the functions had been changed so that they were Non-Executive. This had meant that the delegation of powers had come from the Council Solicitor, instead of the Leader as originally planned. The Chair and Vice-Chairs of the Committee had been consulted.

The Chair thanked the Head of Public Protection and Licensing and invited questions. In response to a question from a Member about the duration of the scheme, the Head of Licensing responded that the scheme had been implemented in August 2020 and would run until September 2021, but could be extended by the government.

The Committee **RESOLVED** to:

.....
1. Note the delegation of functions in respect of Pavement Licensing.

17/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 8.50 pm

Signed:

Date:

This page is intentionally left blank

Public Document Pack Agenda Item 4

Licensing Sub-Committee

Meeting of held on Thursday, 24 September 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

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

Also Present: Michael Goddard (Licensing Manager)
Nicola Thoday (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

76/20 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Clouder as Chair for the duration of the meeting of the Sub-Committee.

77/20 **Apologies for Absence**

There were none.

78/20 **Disclosure of Interests**

There were none.

79/20 **Urgent Business (if any)**

There were no items of urgent business.

80/20 **Licensing Act 2003 (Hearings) Regulations 2005 Procedures for Licensing Sub-Committee Hearings**

The Licensing Manager introduced and summarised the report, which contained changes to the protocol for Licensing Sub-Committees in of light of the Coronavirus Act 2020.

The Chair **AGREED** the recommendations contained in the report.

81/20 **Licensing Act 2003 - Application for a Variation to a Premises Licence - 162/164 Cherry Orchard Road, Croydon, CR0 6BB**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

On 24 September 2020, the Licensing Sub-Committee considered the Application for a variation to the Premises Licence at **162-164 Cherry Orchard Road, Croydon, CR0 6BB** and the representations received as contained in the report of the Executive Director 'Place'. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant and their representative and the oral representations of the objectors, Councillor Fitzsimons and Councillor Fitzpatrick.

It has been noted that the Applicant has agreed to amend the times of the application. Also, the Applicant agrees to accept the conditions proposed by the Police, Environmental Team and Senior Pollution Enforcement Officer, as set out in Appendix A3, A4 and A5 respectively. However, at the meeting there was some confusion, to clarify, the Sub-Committee considered the Application as amended, rather than the Applicant's request to reconsider the original application.

The Applicant and their representative confirmed that the premises is a restaurant and wine bar, not a nightclub – dining is the priority. The Applicant also stated that should this Application not be granted the business would close. The Sub-Committee regret any negative business impacts of this decision, especially in the current Covid-19 climate, but, to clarify, this decision is based solely on whether the Sub-Committee are of the view that the Licensing Objectives can be met.

The Sub-Committee has considered this case on its merits. It notes that the Council Policy (p27 of agenda, paragraph 5.4.7 of Appendix A) states that "*it will not grant permission for licensable activities beyond 23.30h Sunday –*

Thursday and midnight on Friday and Saturday in respect of public houses situated in areas having a denser residential accommodation.” It further states “In such circumstances the Council would expect good reasons to be given to support any application for extensions beyond these hours including addressing possible disturbance to residents and local parking.”

In this case the premises is located in densely populated area with many residents and families nearby, in flats and houses (approximately over 200 residential properties within 150 metre radius).

The Sub-Committee are of the view that there is not enough evidence (from either the written or verbal representations) to show an understanding of the risk of public nuisance to others. For example, the flat above the premises is not the only residential property to be affected by those in the Garden area.

The Sub-Committee is of the view that the Application does not sufficiently address the issues relating to the prevention of public nuisance and therefore the Sub-Committee **RESOLVED to REFUSE** the application on the basis that it does not promote the Licencing Objective of the prevention of public nuisance.

82/20 **Licensing Act 2003 - Application for a Premises Licence - Oceanic Bar, 83-84 High St, South Norwood, SE25 6EA**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee’s decision is as follows:

On 24 September 2020, the Licensing Sub-Committee considered the Application for a Premises Licence at **Oceanic Bar, 83-84 High Street, South Norwood, SE25 6EA** and the representations received as contained in the report of the Executive Director ‘Place’. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant (and their representative) and the well articulated oral representations of the objectors.

It has been noted that the Applicant has agreed to amend the times of the application. Also, the Applicant agrees to accept the conditions proposed by the Police, Environmental Team, Senior Pollution Enforcement Officer and Trading Standards Team, as set out in Appendix A2, A3, A4 and A5 respectively.

The Sub-Committee has considered this case on its merits. It notes that the Council Policy (p85 of agenda, paragraph 5.4.7 of Appendix A) states that “*it will not grant permission for licensable activities beyond 23.30h Sunday – Thursday and midnight on Friday and Saturday in respect of public houses*

situated in areas having a denser residential accommodation.” It further states “In such circumstances the Council would expect good reasons to be given to support any application for extensions beyond these hours including addressing possible disturbance to residents and local parking.”

In this case the premises is located in densely populated area with many residents and families nearby, in flats and houses. It is also in an area that the Council has decided is a special stress area (see paragraph 4.34 p79 of Agenda pack).

The Sub-Committee is of the view that the Application does not sufficiently address issues relating to the prevention of public nuisance. For example, nearby residential properties are likely to hear music and be disturbed even though the property is sound proofed.

Therefore the Sub-Committee **RESOLVED** to **REFUSE** the application on the basis that it does not adequately address the Licensing Objective of preventing public nuisance.

83/20 **Exclusion of the Press and Public**

The following motion was moved by Councillor Jewitt and seconded by Councillor Bird to exclude the press and public:

“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.”

The motion was put and it was agreed by the Committee to exclude the press and public for a portion of the meeting.

The meeting ended at 12.16 pm

Signed:

Date:

Public Document Pack

Licensing Sub-Committee

Meeting held on Tuesday, 6 October 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Callton Young OBE (Chair);
Councillors Margaret Bird and Nina Degrad

Also Present: Michael Goddard (Head of Public Protection and Licensing)
Jessica Stockton (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

84/20 **Appointment of Chair**

Councillor Nina Degrad nominated Councillor Callton Young as Chair.
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Young as Chair for the duration of the meeting of the Sub-Committee.

85/20 **Apologies for Absence**

Apologies were received from Ward Councillor Shafi Khan.

86/20 **Disclosure of Interests**

There were none.

87/20 **Urgent Business (if any)**

There were no items of urgent business.

88/20 **Licensing Act 2003 (Hearings) Regulations 2005 Procedures for Licensing Sub-Committee Hearings**

The Head of Public Protection and Licensing introduced and summarised the report, which contained changes to the protocol for Licensing Sub-Committees in of light of the Coronavirus Act 2020. It was noted that this report had been agreed at the Licensing Committee on 30 September 2020.

The Chair **AGREED** the recommendations contained in the report.

89/20 **Licensing Act 2003 - Application for a Premises Licence - 1336 London Road, Norbury, SW16 4DG**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

The Licensing Sub-Committee considered the Application for a Premises Licence at **1336 London Road, Norbury, SW16 4DG** and the representations received as contained in the report of the Executive Director 'Place'.

The Sub-Committee considered the amendments made by the Applicant to their application following discussions with the Council's Safety Team as detailed within the report and noted the prior discussions which the applicant had with the police as detailed before the Sub-Committee. The Sub-Committee also considered the verbal representations made by the Applicant and their representative and a Ward Councillor at the hearing.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy the Sub-Committee have **RESOLVED** to **GRANT** the application on the basis that they were satisfied that it would support the Licensing Objectives to do so.

The Sub-Committee took particular note of the Applicant's considered approach to the concerns that had been raised by the Ward Councillors in their written representations, as well as in the verbal representations at the hearing and the steps proposed to address these concerns, including in relation to ensuring that customers behave considerately towards neighbours when leaving or using smoking areas, that the area outside the premises is kept clean and tidy, but also in relation to the approach to minimising noise disturbance from the premises. The Sub-Committee was mindful of the fact that premises license holders are not responsible for the behaviour of patrons once they are beyond the management and control of the premises, however the Sub-Committee welcomed the enthusiasm of the Applicant and the clear commitment to the community including in relation to the manner in which the business would be operated with service of alcohol being ancillary to the service of food and off sales of alcohol being as part of a delivery of a meal/s.

.....
The Sub-Committee also welcomed the conditions proposed by the Applicant to support the Licensing Objectives which will be appended to the Application as granted.

90/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 11.32 am

Signed:

Date:

This page is intentionally left blank

Public Document Pack

Licensing Sub-Committee

Meeting held on Thursday, 22 October 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Chris Clark (Chair);
Councillors Margaret Bird and Sherwan Chowdhury

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing)
Nicola Thoday (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

91/20 **Appointment of Chair**

Councillor Sherwan Chowdhury nominated Councillor Chris Clark as Chair.
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Clark as Chair for the duration of the meeting of the Sub-Committee.

92/20 **Apologies for Absence**

There were none.

93/20 **Disclosure of Interests**

There were none.

94/20 **Urgent Business (if any)**

There were no items of urgent business.

Gambling Act 2005: Application for an Adult Gaming Centre Premises Licence at 82 Westow Hill, Upper Norwood

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

The Licensing Sub-Committee considered whether to grant the application for an Adult Gaming Centre Premises Licence at **82 Westow Hill, SE19 1SB** and the representations received as contained in the report of the Executive Director 'Place'. This included additional Applicant representations; addendum to Appendix A7. The Applicant confirmed that this additional information was provided for clarification and in order to assist the Sub-Committee during the hearing. The Sub-Committee also considered the verbal representations made at the hearing by two objectors/Interested Parties (a local resident & Ward Councillor), the applicant and their representative.

It was noted that no representations were received from Responsible Authorities. However, following discussions with Police the Applicant had amended their Application to reflect the reduced operating hours of 10.00h – 23.00h every day except Christmas day.

The Sub-Committee notes that Section 153 of the Gambling Act 2005 provides that, in exercising its functions under Part 8 of the Act, a licensing authority (the Council) **shall aim to permit the use of premises for gambling in so far as it thinks it is:**

- a) in accordance with any relevant code of practice under s.24 (the LCCP)
- b) in accordance with any relevant guidance issued by the Commission under s.25 (this guidance)
- c) reasonably consistent with the licensing objectives (subject to a and b above)
- d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

The Sub-Committee, have made their decision with reference to the licensing objectives under the Gambling Act 2005, relevant Codes of Practice (issued by the Gambling Commission under section 25 of the Act) and the Council Statement of Principles.

In determining this application this Sub-Committee has **not** had regard to:

- s.153 makes it clear that in deciding whether or not to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application
- s.210 (1) of the Act states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or

not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building’.

- Concerns about indirect harm to children, as distinct from their entering the premises and taking part in gambling on-site or
- Personal, moral or ethical views on gambling.

The Sub-Committee has noted that the Applicant will:

- Have appropriate staff training in place,
- Ensure there is no mix of alcohol and gambling on the site. This includes not permitting either alcohol on the premises or those who appear to be intoxicated.
- Operate an effective Self Exclusion Scheme
- Have at least one member of staff at the premises during the day and two members of staff from 6pm onwards
- Have and operate an appropriate door entry policy and
- Ensure no people under 18 enter the premises.

The Sub-Committee is of the view that:

- It would not be appropriate to impose a condition regarding restricting the gifting of free items.
- It is not appropriate to reduce further the operating hours as these are already reasonable.
- It should not impose a ‘trial’ 1 year licence because the Review system within the Licensing regime caters for the situation where there has been a purported breach of the Licensing Objectives.
- It is not appropriate to restrict access to the toilets via a licensing condition.
- The existing regulation of and adherence to the Gambling Commission Guidance and Codes of Practice ensures the Applicant is a responsible operator and that the gambling is conducted in a fair and proper way.

The Sub-Committee notes that there are many schools very near to the premises (see Local Area Profile Appendix A6). Also, that the premises is on a busy bus route, frequented by many school children. There were therefore concerns regarding protecting children and vulnerable people from harm from gambling. During the hearing the Parties discussed the issues around a door entry system and when it would be appropriate to drop the latch so that entry can only be gained via a member of staff. The Applicant confirmed that they had appropriate policies regarding this and would act responsibly. The additional evidence the Applicant submitted (addendum to Appendix 5) stated that they were prepared to operate a policy of dropping the latch on the door between 15.30 – 16.30. The Sub-Committee agrees that this would assist the premises to meet the Licensing Objectives. However, given the likelihood that children will still be travelling home from school (e.g. after-school clubs), have decided to impose the following condition:

- That the premises operate a policy of dropping the latch on the door between 15.00h – 17.00h weekdays during the school term.

The Sub-Committee have **RESOLVED** to Grant this application.

The relevant conditions will be placed on the Licence. This includes the above and the mandatory conditions specified by The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.

We would like to take this opportunity to remind the Objectors that should you be of the view that the Licensing Objectives are not being promoted or adhered to you should apply for a Review of the Licence.

The Sub-Committee would also like to thank the Applicant and Objectors for their thoughtful contributions and the respectful manner in which the hearing was conducted.

96/20 **Exclusion of the Press and Public**

The following motion was moved by Councillor Bird and seconded by Councillor Clark to exclude the press and public:

“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.”

The motion was put and it was agreed by the Committee to exclude the press and public for a portion of the meeting.

The meeting ended at 12.12 pm

Signed:

Date:

Public Document Pack

Licensing Sub-Committee

Meeting of held on Wednesday, 4 November 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

Present: Councillor Margaret Bird (Chair);
Councillors Nina Degrads and Robert Canning

Also Present: Michael Goddard (Head of Public Protection and Licensing)
Jess Stockton (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

97/20 **Appointment of Chair**

Councillor Robert Canning nominated Councillor Margaret Bird as Chair.
Councillor Nina Degrads seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Margaret Bird as Chair for the duration of the meeting of the Sub-Committee.

98/20 **Apologies for Absence**

There were none.

99/20 **Disclosure of Interests**

There were none.

100/20 **Urgent Business (if any)**

There were no items of urgent business.

101/20 **Licensing Act 2003 - Application for a Premises Licence at 53 Limpsfield**

Road, Sanderstead

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

The Licensing Sub-Committee considered the Application for a Premises Licence at **53 Limpsfield Road, Sanderstead** and the representations received as contained in the report of the Executive Director 'Place' and the additional documentary evidence submitted by the Applicant prior to the hearing and incorporated in the supplementary information published as an addendum to the report.

The Sub-Committee noted that the Applicant had, in discussions with the Police licensing officer, the Council's Safety Team and the Trading Standards Team, amended their application to have the conditions at Appendices A2, A3 and A4 respectively of the report added to the licence, if the Sub-Committee were to grant the application.

The Sub-Committee also considered the representations made by the Applicant and the objector during the hearing. It was noted by the Sub-Committee that the objector did not need to reside in proximity to the premises in order to make representations and observed that they had the benefit of both the written representations by the objector and those made in person at the hearing.

The Applicant applied for the Sale by Retail of Alcohol – consumption 'On' the premises: Monday to Sunday 1200 hours (midday) to 2100 hours as well as a "Seasonal variation" - From 15 October to 15 January each year (for the run up to Christmas) Monday to Sunday 0830 hours until 2100 hours.

During the course of the hearing, and following consideration of the matters raised by the Licensing Sub-Committee, the Applicant varied their application to reduce the proposed hours of sale of alcohol during the "Seasonal variation" period - From 15 October to 15 January each year -as follows: Monday to Sunday 10.00 hours until 2100 hours

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy, **RESOLVED** to **GRANT** the application as amended by the Applicant on the basis that the Sub-Committee were satisfied that it would support the Licensing Objectives to do so.

The reasons of the Sub-Committee were as follows:

1. The Sub-Committee considered that the objection related predominantly to public safety (in relation to Covid-19 compliance) and the potential for public nuisance. In relation to the latter, the objector

specifically highlighted concerns about patrons leaving late at night and collections of patrons departing at 10pm. The Sub-Committee noted that the application in question related to a premises which would only be open to the public until 9pm so would not be a late night venue nor would the Applicant's patrons be departing the premises at 10pm as suggested by the objector. The Sub-Committee also noted that there had been no prior concerns raised about noise disturbance or anti-social behaviour emanating from the premises and there were no objections from the Council's noise nuisance team or other responsible authority about the operation of the premises.

2. The objector raised concerns about adherence to Covid-19 guidelines, particularly in relation to signage and the wearing of face coverings by those working within the café and therefore raised concerns about the ability of the premises to operate responsibly if the premises were permitted to sell alcohol. The Sub-Committee noted the evidence provided by the Applicant in relation to the signage in place and the assurances given by the Applicant that these were currently in compliance with Government guidance and requirements. The Sub-Committee was mindful that over the period during which the application had been made and the hearing date, there were a number of changes in the requirements on businesses, not least of all in relation to signage, but were satisfied with steps which the Applicant had made in relation to signage and did not perceive that these matters gave rise to concern that the Applicant would be unable to operate the business responsibly and in accordance with the Licensing Objectives if permitted to sell alcohol.
3. In relation to the wearing of face coverings by staff, the Sub-Committee noted the additional information which the Applicant had provided in advance of the hearing and in person at the hearing in this regard regarding the wearing of face coverings on the premises by staff. The Sub-Committee were also mindful of the fact that the obligation on staff at such premises to wear face coverings was not introduced until 28 September 2020, which is subsequent to both the application being made and the objections being received such that at the time of the application and objections, there was no statutory requirement for staff in the premises to be wearing face coverings.
4. The Sub-Committee were reassured by the detail given by the Applicant regarding the operation of the business, including management of the premises and how the Applicant proposes to support the Licensing objectives through the amendment to their application to include the conditions agreed with the Police, Trading Standards and the Council's Safety team.
5. In relation to the representation by the objector that there was no need for additional venues in the area, the Sub-Committee were mindful of the provisions in paragraph 14.19 of the Statutory Guidance which provides that the commercial need or demand for another venue

providing a particular service is a matter for the planning authority and for the market. This is not a matter for a licensing authority to consider in discharging its licensing functions.

102/20 **Licensing Act 2003 - Application for a Premises Licence at 168 Brighton Road, Coulsdon**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

The Licensing Sub-Committee considered the Application for a Premises Licence at **168 Brighton Road, Coulsdon, CR5 2NE** and the representations received as contained in the report of the Executive Director 'Place'.

The Sub-Committee also considered the verbal representations made on behalf of the Applicant at the hearing. Unfortunately the objector was unable to attend the remote hearing however the Sub-Committee noted that it had the benefit of the objectors' written representations as well as the additional information which the objector had subsequently submitted for the Sub-Committee's consideration which was published as an addendum to the report.

The Sub-Committee noted that the Applicant had, following discussions with the Police licensing officer and the Council's Safety Team, amended their application to have the conditions at Appendix A2 and A3 respectively added to the licence, if the Sub-Committee were to grant the application. In addition, following discussions with the Police, the Applicant has also amended their application to have a terminal hour on New Year's Eve and New Year's Day of 0200 hours the following day.

The application as initially made seeks the Provision of Late Night Refreshment:

Sunday to Thursday 2300 hours until 0100 hours the following day
Friday & Saturday New Year's Eve and New Year's Day 2300 hours until 0200 hours the following day

During the course of the hearing, the Applicant varied their application to reduce the proposed hours for the provision of late night refreshment to be as follows:

Tuesday – Thursday 2300 hours until 0100 hours the following day
Friday and Saturday 2300 hours until 0200 hours the following day
New Year's Eve 2300 hours until 0200 the following day

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy the Sub-Committee have **RESOLVED** to **GRANT** the application as amended on the basis that the

Sub-Committee were satisfied that it would support the Licensing Objectives to do so.

The Sub-Committees reasons were as follows:

1. The objection related predominantly to concerns around public nuisance and concern that there was no commercial need for additional hours for a premises of this nature.
2. In relation to the representation about commercial need for additional hours, the Sub-Committee were mindful of the provisions in paragraph 14.19 of the Statutory Guidance which provides that the commercial need or demand for a venue providing a particular service is a matter for the planning authority and for the market. This is not a matter for a licensing authority to consider in discharging its licensing functions.
3. The objector, in their subsequent information, made specific reference to litter generated as a result of pizza boxes being abandoned beside a park bench across the road from the premises. In this regard the Sub-Committee were mindful of the requirement in paragraph 14.13 of the Statutory guidance and the Council's Licensing Policy which makes clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. Despite this, the Sub-Committee was reassured to hear about the litter sweeps which the Applicant's staff make of the immediate area to try and avoid nuisance of this nature. The Sub-Committee also noted the Applicant's assurance that the litter in the photograph which the objector had sent in appeared to have been generated following the restaurant's participation in Marcus Rashford's End Child Food Poverty campaign, supporting families over the recent half term to provide free children's meals and then those boxes not been disposed of responsibly by the children in question.
4. In relation to delivery drivers and potential for disturbance, the Applicant advised that the premises only had one delivery bike and that the delivery drivers in the area who work for food delivery companies such as Deliveroo use predominantly motor vehicles rather than motor bikes and that they are requested not to park directly outside the premises but across the road where there are not residential properties so that there is less noise.
5. The Applicant has operated from the premises in question for 6 years before seeking the provision of late night refreshment and there were no representations before the Sub-Committee from the Council's noise nuisance team about concerns having been raised about this premises' current operations.

.....
This was not required.

The meeting ended at 12.00 pm

Signed:

Date:

Public Document Pack

Licensing Sub-Committee

Meeting held on Thursday, 12 November 2020 at 10.30 am. This meeting was held remotely; to view the meeting, please click [here](#).

MINUTES

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

Also Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing)
Nicola Thoday (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

104/20 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.
Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Clouder as Chair for the duration of the meeting of the Sub-Committee.

105/20 **Apologies for Absence**

There were none.

106/20 **Disclosure of Interests**

There were none.

107/20 **Urgent Business (if any)**

There were no items of urgent business.

108/20 **Licensing Act 2003 - Application for a Premises Licence at 35 Westow Street, Upper Norwood, SE19 3RW**

The recording of this item can be viewed by clicking on the link [here](#).

Following the item being heard the Licensing Sub-Committee's decision is as follows:

On 12 November 2020 the Licensing Sub-Committee considered the Application for a Premises Licence at **35 Westow Street, Upper Norwood** and the representations received as contained in the report of the Executive Director 'Place' (including The Noise Management Policy submitted as additional information submitted by Applicant). The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003 and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by the applicant (and their representative) and one of the objectors.

It has been noted that the Applicant has agreed to amend their application following conversations with the Police (Appendix A paragraph 1.4). Also, the Applicant agrees to accept the conditions proposed by the Police, and the Council's Safety Team as set out in Appendix A2 and A3 respectively.

It was agreed during the hearing that the Council's Safety Team's proposed condition (Appendix 3) will be changed to *“No licensable activity shall take place at the premises until the premises has been assessed as satisfactory by the Food & Safety Team at which time this condition shall be removed from the License by the Licensing authority”*.

The Applicant has confirmed that:

- It will adhere to its Noise Management Policy.
- It will take steps to ensure that it does not cause a public nuisance, in particular noise nuisance to local residents.
- This Application does not relate to the Carberry Works area.
- It wishes to be a sustainable ethical business and wants to work with local residents.
- It plans to bring culture to the area, it will be food led, not be just a drinking pub. The aim is to be a polite enterprise that is family friendly and community focused.

The Applicant agreed to the following condition “The Applicant shall adhere to its Noise Management Policy and will not cause a noise nuisance or statutory nuisance to local residents.”

.....
The Objector referred to other objectors withdrawing their objections on the basis that noise cannot be heard in Carberry Road. Applicant is not able to agree to this as a Licensing Condition.

To clarify that the licensable activities are being requested until 23.00 and the Opening Hours, as stated in the Application form is until 23.00.

The Sub-Committee has considered this case on its merits.

Taking into account the above, the Sub-Committee has **RESOLVED** to **GRANT** the application.

We would like to take this opportunity to remind the Objectors that should you be of the view that the Licensing Objectives are not being promoted or adhered to you should apply for a Review of the Licence.

The Sub-Committee would also like to thank the Applicant and Objectors for their thoughtful contributions and the respectful manner in which the hearing was conducted.

109/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 11.59 am

Signed:

Date:

This page is intentionally left blank

Agenda Item 7

| | |
|--|---|
| REPORT TO: | LICENSING COMMITTEE 9 December 2020 |
| AGENDA ITEM: | 7 |
| SUBJECT: | London Local Authorities Act 1990 Application for Street Designation Order |
| LEAD OFFICER: | Executive Director, Place Department |
| CABINET MEMBER: | Cllr. David Wood, Cabinet Member for Communities, Safety & Resilience |
| WARDS: | Thornton Heath |
| CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council's Corporate Policies | |
| FINANCIAL SUMMARY: There are no direct financial implications arising from this report. | |
| FORWARD PLAN KEY DECISION REFERENCE NO.: N/A | |

For general release

1. RECOMMENDATIONS

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

2. EXECUTIVE SUMMARY

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

3. DETAIL

- 3.1 The London Local Authorities Act 1990 (as amended) (The Act) provides a legislative framework to control street trading in the Borough. Trading in respect of services as well as goods comes within the scope of the Act.
- 3.2 Licensed street trading may only take place in streets or parts of streets which have been formally designated as "licence streets".
- 3.3 Appendix A to this report provides details of the designation application. The applicant has been invited to attend the meeting.
- 3.4 If the site outlined in Appendix A is formally designated as a 'licence street' by the committee then the committee will decide whether to grant a street trading licence.
- 3.5 The measurements of the display area as outlined in Appendix A will allow (as applicable) for the required 2 metre clear distance between the edge of the display and the nearest item of street furniture which is the requirement for roads maintained by Croydon Council or the 2.8 metre clear distance which is the requirement for roads maintained by TfL

4. CONSULTATION

- 4.1 The application was advertised in the Croydon Guardian and brought to the attention of the police, planning, Council highways, parking services and the food & safety team.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

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

5.2 Risks

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

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

5.3 Options

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

5.4 Future savings/efficiencies

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

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

6. LEGAL CONSIDERATIONS

LICENCE STREET

6.1 If the borough council considers that street trading should be licensed in an area, they may pass a resolution designating any street within the borough as a "licence street" in accordance with Section 24 of the Act.

6.2 The first decision which has to be made is whether to designate the particular location as a "licence street", which in turn would permit the consideration of a licence application.

6.3 Under Section 24 of the Act, the designation of a location as a "licence street" is at the discretion of the Committee and this decision is not subject to any direct appeal.

6.4 Each application must be considered on its own merits.

6.5 STREET TRADING LICENCE

If a site has been designated as a 'licence street', the committee must then decide whether to grant a licence to trade at that site – a 'street trading licence'.

7. GROUNDS FOR REFUSAL

7.1 Under Section 25(4) of the Act, a street trading licence:

- (a) shall not be granted:
 - (i) to a person under the age of 17 years; or
 - (ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of the Act but nothing in this paragraph shall prevent the renewal of such a licence; or
 - (iii) except where the application is made by a company incorporated

under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a body corporate or to an unincorporated association;

- (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
 - (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under Sub-Section 1) (b) of Section 24 of this Act, specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;
- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons or vehicular traffic using the street.

7.2 Under Section 25(6) of the Act, the Council may refuse an application on any of the following grounds:

- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposed to trade when street trading is not taking place;
- (f) that the application is for the grant (but not the renewal) of a street trading licence; and
 - (i) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
 - (ii) the articles, things or services mentioned in the application are sold or provided at the shop;

- (g) that
 - (i) the application is for the grant (but not the renewal) of a street trading licence; and
 - (ii) the only available position in the street is within the curtilage of a shop; and
 - (iii) the applicant is not the owner or occupier of the premises comprising the shop.

7.3 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are no additional legal implications arising from the recommendations in the report other than those already set out within the body of the report.

(Approved by Sandra Herbert, Head of Litigation and Corporate law on behalf of the Director of Law and Governance and Deputy Monitoring Officer).

8. HUMAN RESOURCES IMPACT

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

8.2 (Approved by: Jennifer Sankar, Head of Human Resources, 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.

CONTACT OFFICER: Michael Goddard, Head of Public Protection and Licensing, Place Department, ext. 61838.

BACKGROUND DOCUMENTS: Application Forms

APPENDIX A

Applicant: Mr. Mohammed Jaleel

Location: On the highway outside Jalal Butcher's & Grocer's Ltd., 123 High Street, Thornton Heath, CR7 8RZ.

Measurements: The application seeks a trading area of length 1.8 metres and width 1.2 metres both LHS & RHS. This would leave a clear pavement width of 3.6m tapering to 3.3m from the edge of the proposed display to the kerb and 3m to the post shown in the photograph. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2.0 metres.

Appendix A1 shows photographs of the display and available pavement space. Appendix A2 is a diagram of the site with relevant measurements marked on it.

Would Members please note that this matter was originally considered by the Licensing Committee at their meeting on 30 September 2020 but Members resolved, on that day to defer consideration of the matter to a later meeting.

Proposed Times of Trading:

Monday to Saturday 7am to 10pm
Sunday 7am to 9pm

To Display: Fruit & Vegetables

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix A3.
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, Highways and Parking Services were invited to comment on this application. No comments have been received.
- 1.4 The measurements outlined above have been checked and agreed by an Enforcement Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 30.12.2020. A copy is attached at Appendix A4.

- 1.6 There are three other premises on the same row (117, 119 and 121 High Street) that are already licensed for street trading. The relevant premises are marked on the map at Appendix A5.
- 1.7 Would the committee please note that these premises fall within the Council's saturation policy for street trading and the applicant has been made aware of this by letter. A copy of that letter is attached at Appendix A6.
- 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















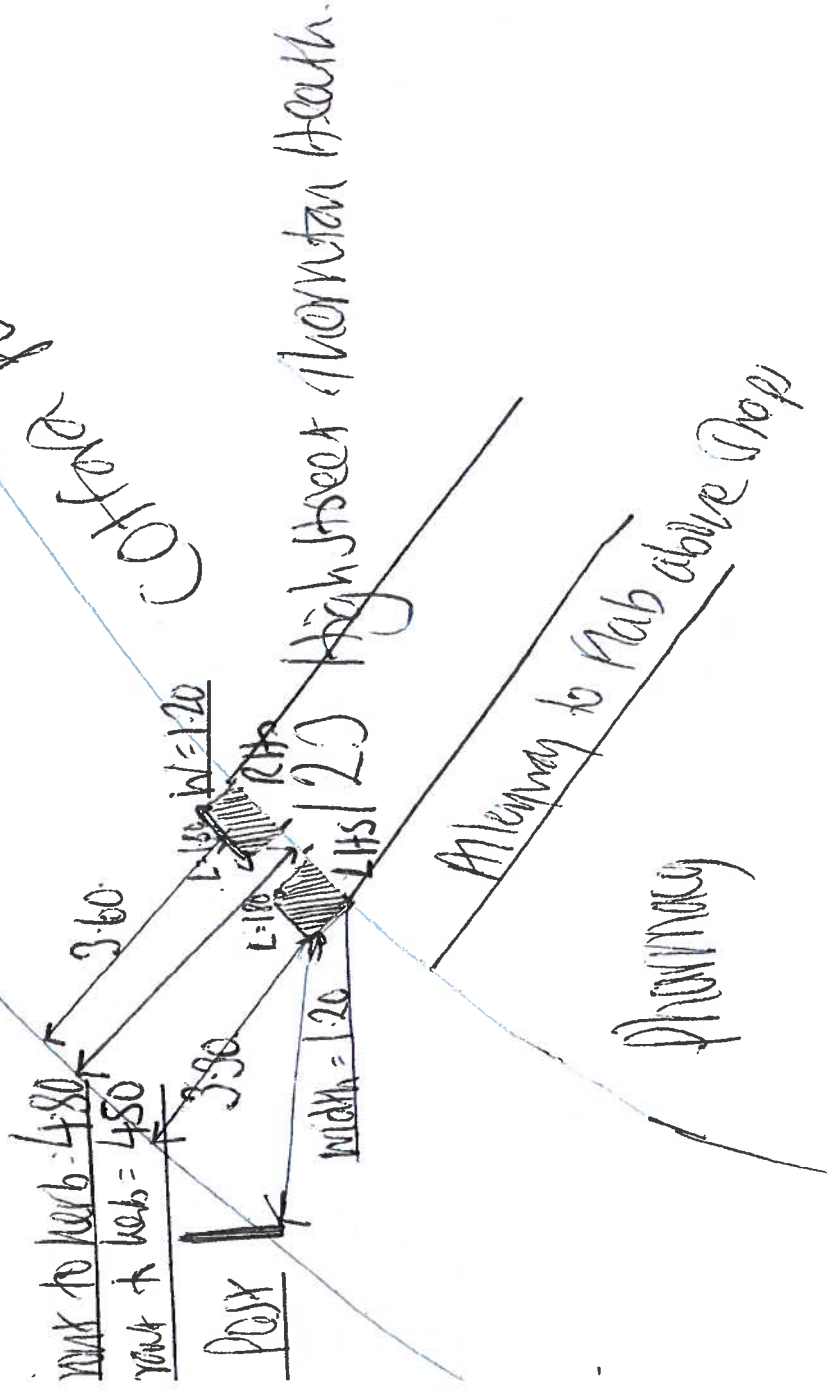
at pavement space between shop & kerb = 4.80.

width of display LH door = 1.20m RH = 1.20m

width of display LH door = 1.80m RH = 1.80m

display to post = 9m

way to kerb LH = 3.20 RH = 3.60.



20166378/ST

A3



STREET TRADING LICENSING

APPLICATION FOR A STREET DESIGNATION ORDER

Return completed form to Place Department, Licensing Team, 6th 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 MOHAMMED

b) Last/Family Name JALEEL

c) Full Home Address of Applicant

d) Home Tel No e) Mobile No

f) E mail address:

g) Date of Birth:

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

a) Trading Name of Premises: Jalal Halal Butchers & Grocers Ltd

b) Trading Address: 123 HIGH STREET, THORNTON Heath
CR7 - 8RZ

c) Business Tel No: 02086659123

3. DISPLAY AREA (see note C)

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

Lth 1.80

Lth

Rth 1.80

Width 1.20

Height 1.5

Rth 1.20

Total perimeter shopkeepers = 4.80.

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

Sunday from 7am to 9pm Thursday from 7am to 10pm
Monday from 7am to 10pm Friday from 7am to 10pm
Tuesday from 7am to 10pm Saturday from 7am to 10pm
Wednesday from 7am to 10pm

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

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 14/01/20

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:

**TEMPORARY LICENCE –
STREET TRADING**

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

HEREBY LICENCE

MR MOHAMMED JALEEL

TO USE SITE KNOWN AS

Jalal Halal Butchers & Grocers Ltd.
123 High Street
Thornton Heath
CR7 8RZ

TO DISPLAY

Fruit and Vegetable

SIZE OF DESIGNATED DISPLAY

Length - Left Hand Side 1.80 m, Right Hand Side 1.80 m
Width - Left Hand Side 1.20 m, Right Hand Side 1.20 m, Height 1.5 m

PERMITTED DAYS & TIMES

Monday - Saturday 7:00 am - 10:00 pm
Sunday 7:00 am - 9:00 pm

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

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

Date Licence Valid From: 14.01.2020

Date Licence Expires: 30.12.2020

Licence Number: 20/00378/STT

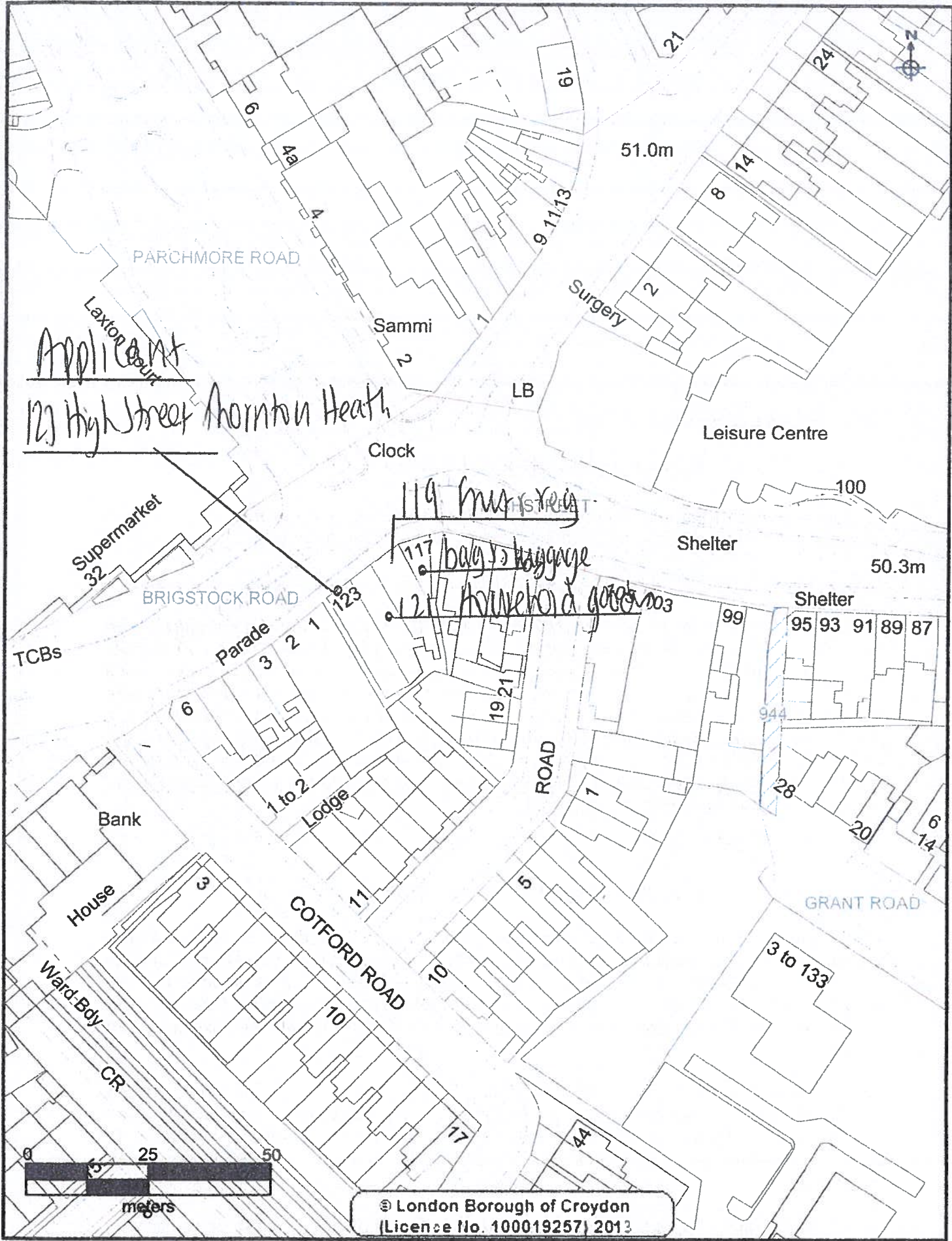


**Issued on Behalf of : Licensing Manager
Place Department**

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
6th Floor, Zone B
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

AG

Tel/Typetalk: 0208 726 6000 x 62457
Fax: 020 8760 5786
Minicom: 020 8760 5797
Please ask for/reply to:

Mohammed Jaleel

Your Ref:
Our Ref:
Date: 24 February 2020

Dear

Subject: Street Designation Order

Address: 123 High Street Thornton Heath CR7 8RZ

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

‘

L
Licensing Team

Agenda Item 8

| | |
|--|--|
| REPORT TO: | Licensing Committee 9 December 2020 |
| AGENDA ITEM: | 8 |
| SUBJECT: | Licensing Act 2003 – Review of Cumulative Impact Zones/Policies within London Borough of Croydon Statement of Licensing Policy & Creation of Cumulative Impact Assessment |
| LEAD OFFICER: | Executive Director, Place Department |
| CABINET MEMBER: | Councillor David Wood Cabinet Member for Communities, Safety & Resilience |
| WARDS: | All |
| CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to a statutory requirement under the Licensing Act 2003 and statutory guidance and supports the effective delivery of among other policies the Community Strategy 2016-21 priorities of a Place to learn, work and Live; a Place of opportunity for everyone and a Place with a vibrant and connected community and voluntary sector and the Corporate Plan 2018-22 priorities that everyone feels safer in their street, neighbourhood and home. | |
| FINANCIAL SUMMARY: There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the Licensing Sub-Committee, the substantive licensing committee and full Council. The costs of administering the functions associated with this report will be met from existing resources. | |
| FORWARD PLAN KEY DECISION REFERENCE NO.: N/A | |

For general release

1. RECOMMENDATIONS

The Committee is asked to:

- 1.1. Consider the proposal to commence consultation on the proposal to maintain Cumulative Impact Areas as currently set out in the Licensing Statement of Policy 2018 and the reasons for this and
- 1.2. Agree that consultation be commenced regarding Cumulative Impact Areas as detailed in paragraph 3.6
- 1.3. Note that the outcome of the consultation exercise will be reported back to Committee for further consideration and, if necessary, onward recommendation to Full Council.

2. EXECUTIVE SUMMARY

2.1 The Licensing Act 2003 made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol
- The provision of regulated entertainment and
- The provision of late night refreshment

There are four licensing objectives which underpin the legislation and these are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

All decisions under the Act must be taken with a view to promoting these licensing objectives.

2.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. The Act requires the Council to review & re publish its policy every 5 years but it may also review it at any time within that 5 year period should it see fit. The policy was last reviewed in 2017 and re published in February 2018 and is therefore due to be reviewed in 2022. A copy of the current policy is attached at Appendix 1.

2.3 Since the Licensing Act 2003 was enacted, the Government has produced statutory guidance to accompany it and the concept of 'cumulative impact' has always been detailed in this statutory guidance. Cumulative impact is the potential impact on the promotion of the licensing objectives (listed at 2.1 above) of a number of licensed premises concentrated in one area. This Council had one cumulative impact zone in its policy from first publication in 2004 and introduced a further four 'cumulative impact zones' (CIZ's) into its licensing policy when it was reviewed in 2013. When the policy was last reviewed, the original one from 2004, that concerned 'On' licensed premises was removed but the four later ones that that relate to 'Off' licensed premises were retained.

2.4 Subsequent to the publication of the current Licensing Statement of Policy, the statutory guidance was updated in April 2018 to reflect an amendment to the Licensing Act 2003 which placed cumulative impact on a statutory footing.

3. DETAIL

3.1 All four current CIZ's relate specifically to premises that are permitted to sell alcohol for consumption 'Off' the premises – Off Licenses. In April 2018, just after the Council published its current policy, the Government gave cumulative impact a statutory footing by incorporating it into the legislation (not just the guidance) and the term Cumulative Impact Assessment (CIA) was introduced.

It is the same concept as CIZ's though, in that any decision to introduce a CIA must be evidence based and a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area(s) described. That evidence is then used to justify the statement that it is likely that granting further premises licenses in that area (in this case for 'Off' sales of alcohol) would be inconsistent with the authority's duty to promote the licensing objectives.

- 3.2 A cumulative impact zone or a cumulative impact assessment does not however change the fundamental way that licensing decisions are made and it is open to the licensing authority to grant an application where it considers that the applicant has demonstrated that their application supports the licensing objectives and that they would not be adding to the cumulative impact if their application was granted. Members will be aware that it is only when an application has drawn relevant representations and been referred to the licensing sub-committee as a result of those representations, that cumulative impact can be considered. Where no relevant representations have been received, the Sub-Committees ability to consider the matter is not engaged.
- 3.3 When Cumulative Impact Assessments were given statutory status on 6 April 2018, there were no transitional or grandfather provisions applying to cumulative impact zones already in existence which had been introduced in line with the then Statutory Guidance. They remained in place as part of the Council's Statement of Licensing Policy but it was recommended in current guidance that they be reviewed within a maximum of three years following the legislative change or when the licensing policy was next reviewed, whichever was the sooner. The requirement to consider and review any Cumulative Impact Areas in place also forms part of the statutory requirements on the Council. Therefore the Council must, as it stands, review its existing cumulative impact policy (zones) before 6 April 2021 and if the evidence base exists, produce a Cumulative Impact Assessment.
- 3.4 Ordinarily, with the aim of reviewing cumulative impact, through the course of this year (2020) the Council would have been gathering evidence which would either indicate there is the continued need for a cumulative impact assessment in the areas currently covered, whether there was a need for a cumulative impact area in places not currently covered or indicate that there were no longer any issues with cumulative impact in the borough. However, covid-19 appeared at the beginning of the year, which started to change people's behaviour and then the first national 'lockdown' started at the end of March and continued for some four months. Life returned to a semblance of normal over the summer months but virus transmission rates started to rise again in September, leading to the introduction of the tier system and then ultimately the second 'lockdown'. Throughout 2020, business activity and people's movements have been restricted and disrupted and this has also had an effect on the nature and locality of criminal and anti-social behaviour (because for large parts of the year people simply haven't been on the streets as they usually would be or been making use of businesses and services in the way they historically had) and any cumulative impact which may ordinarily have been present. As a result, it is considered that any assessment of such matters will not provide accurate or robust enough data on which to determine whether cumulative impact is still an issue or had become an issue in other areas in the

borough – and any decision to maintain or remove the concept of cumulative impact in a given area, in addition to not being based on firm evidence, could also face challenge.

- 3.5 The licensing authority must meet its statutory obligations and review its existing cumulative impact zones however, not least because the Government advise that there is insufficient time to alter the legislation in light of Covid-19, and permit a postponement of the statutory deadline for review of cumulative impact deadline. The Government have however suggested that licensing authorities may also take a pragmatic approach and effectively retain the status quo until times allow a more reliable evidence base to be assessed. Other local authorities have lobbied Government requesting a ‘rolling forward’ of the existing arrangements and the Government have indicated such a pragmatic approach is acceptable.
- 3.6 It is therefore proposed that the Council, as licensing authority undertakes a six week consultation, with the proposal that we ‘roll forward’ our current cumulative impact policy in its current form on the understanding that a comprehensive review will be undertaken at a later stage when there is a more balanced picture of whether or not cumulative impact remains an issue or has become an issue in other areas of the Borough and consider any representations we receive in response. The Council must review its overarching Statement of Licensing policy in 2022. It could, at the same time review the cumulative impact areas within it and produce a Cumulative Impact Assessment or it could gather evidence and review the existing cumulative impacts separately, before that.
- 3.7 Section 5(3) of the Licensing Act 2003 specifies which parties must be consulted with as part of any review of cumulative impacts and these are –
- the chief officer of police for the licensing authority’s area
 - the fire and rescue authority for that area
 - each Local Health Board for an area any part of which is in the licensing authority's area
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4. CONSULTATION

- 4.1 The timetable leading up to the Licensing Policy being re published is as follows:

| DATE | ACTION |
|----------|-------------------------------------|
| 09.12.20 | Licensing Committee |
| TBC | Commence consultation |
| TBC | Deadline for consultation responses |
| TBC | Licensing Committee |

5. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report, subject to the risks at 2 & 3 below. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The Effect of the Decision

Decisions of the Licensing Sub Committee, the substantive licensing committee and full Council may be subject to appeal and/or Judicial Review

3 Risks

An appeal against a decision of the Licensing Sub-Committee or a Judicial Review of the application and/or policy making processes may present financial risks to the Council with regard to any award of costs against it.

4 Options

There are no other options available to the Council

5 Savings/Future Efficiencies

None identified

Approved by: Felicia Wright, Head of Finance – Place Department

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that the Statement of Licensing Policy provides the framework under which the licensing function is administered and the Council's approach under the Licensing Act 2003. Cumulative Impact areas and arrangements form part of the Council's Statement of Licensing Policy.
- 6.2 The Licensing Act 2003 (the "Act") requires that a review of the Cumulative Impact Assessment is undertaken within a three year period either following the introduction of the statutory provisions pertaining to cumulative impact, which came into force on 6 April 2018 or within three years of previously introducing a cumulative impact assessment. In undertaking the required review the Licensing Authority must consult the parties identified in Section 5(3) of the Act (as detailed in paragraph 3.2 above) and provide them with the information required in 5A(6) in other words:

- a) the reasons why it is considering publishing a cumulative impact assessment;
 - b) a general indication of the part or parts of its area which it is considering describing in the assessment;
 - c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- 6.3 If the outcome of the consultation indicates that there needs to be an amendment or update to the Statement of Licensing Policy, this must be referred to Full Council for consideration and determination.
- 6.4 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version was issued by the Home Office on 6 April 2018.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of Sean Murphy, Director of Law and Governance and Deputy Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with the review of the Licensing Policy will be undertaken within existing resources.

8. EQUALITIES IMPACT

- 8.1 The recommendations coming from this report will not have any implications on groups that share a protected characteristic.

Approved by: Yvonne Okiyo – Equalities Manager

9. ENVIRONMENTAL IMPACT

- 9.1 The provisions of the Licensing Act 2003 include consideration of the environmental impact of licensed premises.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 Three of the four licensing objectives in the Act relate to the prevention of crime and disorder and public nuisance and the protection of children from harm. The night time economy is a priority issue in the Council's 'crime and disorder reduction strategy' and the licensing policy is a document that the Council, as licensing authority, should have regard to when deciding licence/certificate applications.

11. DATA PROTECTION IMPLICATIONS

- 11.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

The Director of Public Realm comments that agreeing the recommendations in this report will not result in the processing of personal data.

Approved by: Steve Iles, Director of Public Realm

CONTACT OFFICER: Michael Goddard, Head of Public Protection and
Licensing
Tel. Ext. 61838

BACKGROUND DOCUMENTS: None

This page is intentionally left blank

‘STATEMENT OF LICENSING POLICY’

**PUBLISHED IN ACCORDANCE WITH THE
PROVISIONS OF THE LICENSING ACT 2003
ON 26 February 2018 FOLLOWING REVIEW**

CONTENTS

| | Page |
|--|-------------|
| INTRODUCTION | 3 |
| THE LEGISLATION AND THE COUNCIL | 3 |
| DEVELOPMENT OF THE POLICY | 4 |
| ASPIRATIONS & FUNDAMENTAL PRINCIPLES | 4 |
| NEED AND CUMULATIVE IMPACT | 7 |
| LICENSING OBJECTIVES | 11 |
| CRIME AND DISORDER | 11 |
| PUBLIC SAFETY | 13 |
| PREVENTION OF PUBLIC NUISANCE | 15 |
| Licensing Hours | 15 |
| Shops, stores and supermarkets | 16 |
| Prevention of Public Nuisance – Generally | 16 |
| PROTECTION OF CHILDREN FROM HARM | 18 |
| Access to licensed premises | 18 |
| Responsible authority | 19 |
| Packaging and promotion of alcoholic drinks | 19 |
| Access to cinemas | 19 |
| Children and regulated entertainment | 20 |
| Children in licensed premises – generally | 20 |
| INTEGRATING STRATEGIES and AVOIDING DUPLICATION | 21 |
| Crime prevention | 21 |
| Cultural strategies | 22 |
| Transport | 22 |
| Tourism and employment | 22 |
| Planning and building control | 22 |
| Advancing Equality | 23 |
| Duplication | 23 |
| LIVE MUSIC, DANCING and THEATRE | 23 |
| TEMPORARY EVENT NOTICES | 24 |
| STANDARDISED CONDITIONS | 24 |
| ENFORCEMENT | 24 |
| ADMINISTRATION, EXERCISE and | 25 |
| DELEGATION OF FUNCTIONS | 27 |

APPENDICES

- 1 Definitions
- 2 Evidence & Data (updated) relating to Cumulative Impact Zones
- 3 Map of borough showing location of off licences and the four Cumulative Impact Zones
- 4 Map of borough showing incidents of Anti Social Behaviour in 2016 together with location of off licences and the four Cumulative Impact Zones
- 5 Maps of borough showing details for ambulance call outs –
 - Map A showing figures for 2011-2013
 - Map B showing figures for 2014-2016
- 6 Contact details, advice and guidance
- 7 Endnotes & References**

CROYDON COUNCIL – STATEMENT OF LICENSING POLICY

1. INTRODUCTION

- 1.1 The London Borough of Croydon covers an area of 86.5 sq. kms. and has a population of approximately 382,000.
- 1.2 The Borough is mainly urban in character, being made up of a number of district retail and commercial centres each surrounded by residential accommodation.
- 1.3 Croydon town centre is a well-defined retail and commercial area with a large number of shops and offices. Croydon's Growth Zone is almost entirely contained within the town centre and by 2021 there will be between 1,147 and 2,230 new households within 500 metres of the Growth Zone. 46% (61 out of 133) of all Croydon developments in the Local Plan are within 500 metres of the Croydon Growth Zone. The town centre also has a significant number of premises providing regulated entertainment, the sale of alcohol and late night refreshment in the area.
- 1.4 The remainder of the licensed premises are spread throughout the Borough, both in the district centres and in residential areas.
- 1.5 Premises and events that are required to be licensed under the Licensing Act 2003 do currently and will continue to, make an essential contribution to the economic and cultural development of the Borough, through the provision of entertainment, leisure facilities and employment.

2. THE LEGISLATION AND THE COUNCIL

- 2.1 For the purposes of this 'Statement of Licensing Policy', the licensing authority under the Licensing Act 2003 (the 2003 Act) is the London Borough of Croydon (the Council) and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 2.2 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.3 The 2003 Act further requires that the Council publishes a 'Licensing Statement' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

3. DEVELOPMENT OF THIS POLICY

- 3.1 This 'Licensing Statement' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued by the Home Office under Section 182 of the Act.
- 3.2 There are a number of groups who have a stake in licensing, including providers, customers, residents and regulators, all who have views and concerns that require consideration as part of the licensing function.
- 3.3 Before publishing this Licensing Statement, the Council consulted widely, including with the Chief Borough Police Officer, the Chief Officer of the London Fire Brigade and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the Borough.
- 3.4 The Council also consulted with the Director of Public Health, local bodies representing consumers and promoting tourism and neighbouring authorities.
- 3.5 The Council has given proper weight to the views of all the persons/bodies consulted before publishing this finalised Licensing Statement.
- 3.6 The revised Licensing Statement will take effect on the 26 February 2018. It will remain in force for a period of not more than 5 years. Currently, it will be subject to review and further consultation by 26 February 2023 at the latest.
- 3.7 During that period it will be subject to review and revision, with necessary consultation, at such times as the Council considers appropriate.

4. ASPIRATIONS AND FUNDAMENTAL PRINCIPLES

- 4.1 Croydon's Community Strategy 2016-21 seeks to ensure Croydon is:
- A great place to learn, work and live where we will deliver new jobs and new homes for our residents, enable our local economy to grow, develop an exciting cultural offer and evening economy, in a safe and pleasant environment.
 - A place of opportunity for everyone where we will tackle poverty and deprivation, prevent homelessness, and support children, families and individuals to achieve their full potential and live a long healthy life through a good start, an excellent education, support to develop and maintain the resilience and self-reliance modern life requires, and providing holistic support to those that need it.
 - A place with a vibrant and connected community and voluntary sector where we will enable and empower our communities to connect and collaborate in developing community-led responses to the many challenges we face.

Croydon's Vision, enshrined in the Strategy, is for it to be:

- ENTERPRISING - a place renowned for enterprise and innovation with a highly qualified and skilled workforce, and a diverse and thriving local economy
 - CONNECTED - a place that is well connected, easy to get to and around, and supported by infrastructure that enables people to easily come together; with one of the best digital, communications and transport networks in the country
 - CREATIVE - a place that draws people to its culture and creativity, an inspiration and enabler of new artistic and sporting talent
 - SUSTAINABLE - a place that sets the pace amongst London boroughs on promoting environmental sustainability and where the natural environment forms the arteries and veins of the borough
 - LEARNING - a place that unleashes and nurtures local talent and is recognised for its support and opportunity for lifelong learning and ambitions for children and young people
 - CARING - a place noted for its safety, openness and community spirit where all people are welcome to live and work and where individuals and communities are supported to fulfil their potential and deliver solutions for themselves.
- 4.2 The Council's Licensing Policy under the Licensing Act 2003 has a role to play in promoting that Vision and ensuring, where applicable that it is achieved, subject to the requirements of the legislation and statutory guidance.
- 4.3 Croydon desires and is aiming to ensure that there are diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other, both in the town centre and in the district centres. Croydon is 'open for business' and is keen to attract as broad a leisure offer as possible. *The Croydon Promise: Growth for All* document, published by the Council articulates these aims, setting out that by 2020:
- The metropolitan centre will offer the most exciting shopping and leisure experience in London and the South East:** One of Europe's largest urban shopping malls, the Whitgift redevelopment, will be open. A new 'cultural quarter' around College Green will have emerged with the modernised Fairfield Halls one of the star attractions.
- Our district and local centres will be 'neighbourhoods of choice':** With their own distinctive characters, they will provide a mix of new homes, jobs and community facilities.
- 4.4 Clearly, the commercial market is an influencing factor for new and existing licensed premises and they also need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the Council's local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved.

- 4.5 Croydon has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces. The Council is particularly keen to see venues, small and large that are able to provide live music, drama and the performance of dance, both for entertainment but also to develop new talent and allow it to perform and grow in front of an audience.
- 4.6 London is a 24 hour City and is renowned throughout the World for its wide range of entertainment venues, leisure activities, food venues, creativity and openness to new ideas. London encourages and nurtures talent. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from London.gov.uk), which sets out The Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Croydon wishes to be part of that and to be a destination for tourists and visitors as well as ensuring people who live and work in the borough are provided with as wide a range of entertainment facilities and food venues as possible. These desires can be met and can be provided safely, so long as businesses are well run.
- 4.7 However, encouraging and permitting licensable activities needs to be balanced against the needs and rights of residents and other businesses and to ensure that where a premises provides licensable activities, this is done in a way that promotes the four licensing objectives in the Act and complies with the Statutory requirements. Licensing is a balance and requires consideration of all these various needs.
- 4.8 The fundamental principles of the Act and its accompanying guidance are that nothing in this 'Statement of Policy' will:
- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
 - override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 4.9 Parties should be aware that, for a representation to be considered relevant, it must be one that is about the likely effect of the grant of a new licence/certificate or variation of an existing licence/certificate on the promotion of the four licensing objectives. Also, if the representation is made by an 'other person', it will not be relevant if the licensing authority considers it to be 'vexatious or frivolous', or in the case of a review, 'repetitious'.
- 4.10 Applicants and those making relevant representations in respect of applications or seeking a review of a licence or a certificate have the right of appeal to the Magistrates' Court against the decisions of the Council.

- 4.11 In considering all licence/certificate applications, the Council will take into account the character of the surrounding area, the impact of the licence/certificate on that area and the nature and character of the operation.
- 4.12 As part of any application for a premises licence/club premises certificate or a variation to an existing licence/certificate, applicants are required to submit an 'Operating Schedule', which must include the steps proposed to promote the Licensing Objectives set out in paragraph 2.2.
- 4.13 Part 5 of this Statement gives guidance to applicants on some of the matters they may wish to consider when preparing their Operating Schedules.
- 4.14 Licensing is about permitting activities but also ensuring the responsible management of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.15 However, the Council acknowledges that it can only impose conditions where relevant representations have been received on an application and that such conditions must be considered necessary for the promotion of the licensing objectives. Where no relevant representations have been made, the application will be granted by the licensing authority in terms consistent with the applicants operating schedule.
- 4.16 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

NEED and CUMULATIVE IMPACT

- 4.17 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.
- 4.18 However, the Council recognises that a significant number and type of licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Council to consider. For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions.
- 4.19 Where the Council recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for that area, if this is shown to be necessary. Reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol-harm and related crime.
- 4.20 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a special policy whereby there will be a presumption that new

premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused. A material variation may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.

4.21 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Council will consider the following:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- statistics on local anti-social behaviour offences
- the density and number of current premises selling alcohol
- Alcohol use and misuse in Croydon's population
- Claimants of benefits due to alcoholism
- Alcohol specific hospital admissions for under 18's
- Ambulance incidents and dispatches
- Alcohol related road traffic accidents
- Statistics on alcohol related emergency attendances and hospital admissions
- Mortality
- Complaints recorded by the local authority
- Evidence from local councillors and
- Evidence obtained through local consultation.

4.22 There are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

4.23 As a result, the Council has considered it appropriate to designate, the following four areas within Croydon as being subject to a special Cumulative Impact Policy in respect of off licences and shops and supermarkets selling alcohol off the premises:

- i. Along the Brighton Road; South End; High Street, George Street corridor, from the Royal Oak Centre on Brighton Road, Purley to the junction of George Street and Cherry Orchard Road in Central Croydon
- ii Along the London Road/Streatham High Road corridor, in 3 sections; from the junction of London Road and Tamworth Road in West Croydon to the j/w Canterbury Road; from the j/w Broughton Road to the j/w Melrose Avenue and; from the j/w Northborough Road to the borough boundary with London Borough of Lambeth
- iii Along the Brigstock Road and High Street, Thornton Heath corridor, from the junction of Brigstock Road and London Road in Thornton Heath to the junction of High Street, Thornton Heath and Whitehorse Lane
- iv Along the length of Central Parade, New Addington

4.24 The effect of a Cumulative Impact Zone Policy for each of the areas listed above

is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused. A material variation would be, for example, an increase in permitted hours for the sale of alcohol or to add the sale of alcohol off the premises as a licensable activity to the premises licence.

- 4.25 The Cumulative Impact Policy is intended to be strict, and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.
- 4.26 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.
- 4.27 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 4.28 The Council will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.
- 4.29 The Council will not use these policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.
- 4.30 The Council recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.
- 4.31 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 4.32 Where an application is made for a new or transfer and variation of a licence, in respect of premises that have closed and been unused and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Council would expect the applicant to make clear in

their operating schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.

4.33 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.

4.34 In addition to the cumulative impact zones listed above, the Council is aware of concerns amongst responsible authorities and residents about the number of shops licensed to sell alcohol for consumption off the premises in certain other areas of the borough and the impact they may be having on crime and disorder. It is not intended at this time to introduce cumulative impact zones in these areas, however, they will be monitored and assessed regularly and should concerns increase, consideration will be given to formally identifying them as cumulative impact zones. For the time being, those areas will be classed as special stress areas and they are as follows:

- High Street & Portland Road, South Norwood
- Lower Addiscombe Road

4.35 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned and that apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises.

4.36 In recognising the importance of such measures, the Council will continue to seek further improvements to those already achieved in respect of planning controls and working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in the following areas:

- Provision of extensive CCTV and radio communication systems
- Improvements to street lighting
- Rubbish collection and street cleaning
- Provision of better late night bus, tram, rail and taxi/minicab services
- Provision of Police Officers/street and litter wardens
- Designation of areas within the borough, as part of a Public Space Protection Order, where alcohol may not be consumed publicly and monitoring the possible need for future designations in other parts of the borough*
- Working in partnership with Croydon Borough Police on law enforcement issues relating to disorder and anti-social behaviour. These include the use of powers to issue fixed penalty notices, prosecuting those selling alcohol to people who are underage and/or drunk, confiscating alcohol from adults and children in designated areas and instant closure of licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- Working in partnership with Licensees and expecting them to support

existing and future agreed measures set up to promote the strategic objectives for crime and disorder reduction within the Borough

- Acknowledging the powers of the police or other responsible authorities, or a local resident or business under the 2003 Act, to seek a review of the licence or certificate

*Would existing licence/certificate holders and new applicants please note that a number of areas within the borough of Croydon are to lie within Public Space Protection Orders (PSPO's) that may control the consumption of alcohol in public areas. Please contact the Council's licensing team if you wish to discuss how such orders may affect licensed premises.

5. LICENSING OBJECTIVES and OPERATING SCHEDULES

5.1.1 The following sections set out the Council's Policy relating specifically to the four Licensing Objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.1.2 In each section the Council defines its intended outcome and lists the factors that may influence achieving that particular objective, but because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

5.1.3 Further, each section lists possible control measures to assist applicants, but again these lists are not exhaustive. Also, many of the control measures achieve more than one Objective but have not been listed under each Objective and applicants do not need to mention a control measure more than once in their Operating Schedule.

5.2 Crime and Disorder

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

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

5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems.

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

- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.2.6 The Licensing Authority recommends that for certain events, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application operating schedule/event planning.
- 5.2.7 Applicants and premises licence holders may wish to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police regarding the process, although the responsibility for undertaking the risk assessment remains with the Applicant/Premises License holder as neither body is able to actually undertake such risk assessments for applicants/licence holders. Applicants and premises licence holders are also reminded that the Licensing Authority is not able to recommend the services of a particular individual or company for this purpose.
- 5.2.8 Drugs, violence, anti social behaviour and theft of customers property are examples of crime and disorder issues which may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:
- effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
 - participation in responsible management schemes such as the 'Best Bar None' accreditation/award scheme
 - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
 - adoption of existing and future best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Toolkit and other recognised codes of practice including those relating to drinks' promotions, i.e. The Point of Sale Promotions published by the British Beer and Pub Association and cheap drinks deals/Happy Hours)
 - acceptance of accredited 'proof of age' documentation, as recognised by the Council in consultation with the Police
 - maintaining appropriate signage and a refusals log
 - employment of sufficient SIA licensed door staff, i.e. within nationally accepted standards
 - provision of toughened or plastic glasses
 - provision of secure deposit boxes for confiscated items as recognised by the Council in conjunction with the Police

- provision of litter bins and security measures, such as lighting outside premises
- Other schemes including only purchasing alcohol from authorised wholesalers, not selling certain alcohol types/strengths (e.g. high strength beers/ciders or single cans above 6% ABV), restricting sales on certain alcohol types (e.g. miniature spirits), allowing a 'track and trace' identifier on products so Police/Trading Standards can identify which off-licence seized alcohol is from, signing up to local responsible retailer schemes
- Provision of closed circuit television, with cameras covering relevant internal and external areas (including beer gardens) and entrances/exits to premises

Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases and in some cases additional matters may need addressing.

5.2.9 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council Licensing Team and Croydon Police Licensing and/or Crime Prevention Officers, as well as taking into account, as appropriate, local planning and transport policies, and, tourism, cultural and crime prevention strategies.

5.2.10 Where relevant representations have been made, the Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises.

5.2.11 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises, licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. To assist, licence applicants/holders and persons submitting temporary event notices are recommended to acquaint themselves with the content of the following documents:

- Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs, produced by ACPO, Police Scotland & NaCTSO
- Protecting Crowded Places: Design and Technical Issues, produced by the Home Office – ISBN 978-1-78246-387-0

The Metropolitan Police will be able to provide further assistance and guidance with regard to these specific documents and counter terrorism measures.

5.3 Public Safety

5.3.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and

maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

- 5.3.2 The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, off licences, cafés/restaurants, fast food outlets/takeaways and sometimes open spaces.
- 5.3.3 Each of these types of premises present a mixture of different risks, with many common to most premises and others unique to specific operations. These will range from fire safety, including fire precautions and means of escape arrangements in all types of premises, to the use of scenery and pyrotechnics in theatres and special lighting effects in night clubs.
- 5.3.4 It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 5.3.5 The following examples of influencing factors are given to assist applicants when addressing the issue of public safety during the preparation of their Operating Schedule:
- the number of people attending the premises
 - the condition, design and layout of the premises, including the means of escape in case of fire
 - the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
 - the hours of operation and hours of opening if different
 - customer profile (i.e. age, mobility)
 - the use of special effects such as strobe lighting, lasers, pyrotechnics, smoke machines, foam machines etc.
- 5.3.6 Public safety issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:
- effective and responsible management of premises
 - provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards (and having SIA accreditation where necessary)
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
 - suitable customer-care policies for assisting lone customers taken ill or injured etc. at the premises
 - provision of effective CCTV in and around premises
 - provision of toughened or plastic glasses
 - implementation of crowd management measures

- regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety codes and standards

Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases and in some cases additional matters may need addressing.

5.3.7 Licence applicants, licence holders and organisers of public events are also advised to familiarise themselves with the Croydon Council Events Policy that is currently being developed. This policy will set out the key principles by which Croydon Council, with its key partners and other stakeholders, will approach the authorisation of public events.

The Events Policy aims include –

- ensuring effective planning and management of events
- to provide a fair, consistent and well co-ordinated approach to how events are supported and facilitated by the Council and
- to ensure that safety is placed as a priority in decision making

Further information on the Croydon Council Events Policy can be obtained by emailing events@croydon.gov.uk.

5.3.8 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire Brigade.

5.3.9 The Council will consider attaching Conditions to licences and permissions to promote public safety.

5.4 Prevention of Public Nuisance

5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, whilst balancing the rights of businesses to develop.

5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.

5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.

LICENSING HOURS

5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.

- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, which is necessary to reduce the potential for friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas (“zoning”) as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

SHOPS, STORES AND SUPERMARKETS

- 5.4.8 The Council acknowledges that the Guidance issued under section 182 of the Licensing Act 2003 states that shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.
- 5.4.9 However, there is local concern about crime and disorder associated with shops licensed to sell alcohol off the premises. Accordingly, while the Council will treat each case on its individual merits there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of shops in residential areas or within one of the four relevant Cumulative Impact Zones where representations are made by the police and/or local residents and where premises are shown to be a focus of crime, disorder or nuisance. Applications to vary the permitted hours for the sale of alcohol off the premises within the above hours shall similarly be treated on their merits

PREVENTION OF PUBLIC NUISANCE - GENERALLY

- 5.4.10 The Council will expect applicants to demonstrate in their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance, having due regard to the style, characteristics and activities of their particular premises and events and of the locality.

5.4.11 The following examples of influencing factors are given to assist applicants when addressing the issue of the prevention of public nuisance during the preparation of their Operating Schedule:

- the location of the premises and proximity to residential or other noise sensitive premises
- effective and responsible management and supervision of the premises and associated open areas
- the hours of opening
- the nature of the activities to be provided and their location within the premises, the customer profile, whether the activities are temporary or permanent and whether they are to be held inside or outside
- the design and layout of the premises and in particular the presence of noise limiting features
- the number of people attending the premises
- the availability of public transport
- a 'wind down' period between the end of the licensable activities and the closure of the premises
- a 'last admission time' policy

5.4.12 Public nuisance issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management and supervision of the premises, including any outside areas
- appropriate instruction, training and supervision of staff to prevent public nuisance
- adoption of current best practice guidance (i.e. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics), including designing shop fronts so as to limit noise nuisance from premises, i.e. from opening windows or continental-style concertina doors
- control of opening hours for all or part (i.e. garden areas) of the premises – including other times when deliveries take place/rubbish and bottles are binned – and the operation of generating plant and equipment
- installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation and limiting devices
- managing people, including staff and traffic, arriving and leaving the premises, including patrolling entrance queues
- managing the departure of customers
- liaising with transport providers
- siting and operation of necessary external lighting, including security lighting, with the possible nuisance to nearby properties
- suitable arrangements for collection and disposal of litter, including bottles, so as to minimise disturbance to nearby properties
- no flyposting of events/careful distribution of flyers, including by promoters

- effective ventilation systems to prevent nuisance from odour

Note: As this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, and in some cases additional matters may need addressing.

5.4.13 Additionally, when preparing their Operating Schedules applicants are recommended to seek advice from Council Pollution Enforcement Officers.

5.4.14 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance.

5.5 Protection of Children from Harm

ACCESS TO LICENSED PREMISES

5.5.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, to buy food and/or for entertainment.

5.5.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.

5.5.3 The Council will consider the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.

5.5.4 While no policy can anticipate every situation, the following are examples of premises that will raise concern:

- where entertainment or services of an adult or sexual nature is commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

5.5.5 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap-table or pole-dancing, performances involving feigned violence or horrific

incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.

5.5.6 When dealing with a licence application where limiting the access of children is considered necessary, the Council may consider any of the following options, in combination where appropriate:

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.5.7 The Council will not impose conditions on licences or certificates requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. However, where applicants volunteer prohibitions and limitations in their operating schedules and no relevant representations have been made to the Council, these will become conditions attached to the licence/certificate conditions and will be enforceable as such.

RESPONSIBLE AUTHORITY

5.5.8 The Council recognises the Croydon Children's Safeguarding Board and any successor groups to be the 'responsible authority' competent to advise on matters relating to the 'protection of children from harm', and to whom copies of applications should be sent.

PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

5.5.9 As an important element in the protection of children from harm, the Council recognises the need for alcoholic drinks to be named, packaged and promoted in such a manner as not to appeal to or attract those under 18 years old.

5.5.10 The Council therefore commends the Portman Group's 'Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks' to licensees and expects that they will act on any Retailer Alert Bulletins issued under that Code.

ACCESS TO CINEMAS

5.5.11 The Council will expect licensees to include in their operating schedules the arrangements for preventing underage children from viewing age-restricted films.

CHILDREN AND REGULATED ENTERTAINMENT

5.5.12 The Council considers that specific arrangements relating to the supervision and safety of children may be required for occasions when they go to see and/or take part in regulated entertainments arranged especially for them and, where appropriate, will consider attaching appropriate Conditions to licences and certificates.

CHILDREN IN LICENSED PREMISES – GENERALLY

5.5.13 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, having due regard to the style, characteristics and activities of their particular premises and/or events.

5.5.14 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. Applicants should consider the following influencing factors, for which there is the potential for children to be exposed, when addressing the issue of protecting children from harm during the preparation of their Operating Schedule:

- drugs, drug taking or drug dealing
- gambling
- activities of an adult or sexual nature
- incidents of violence or disorder
- environmental pollution such as noise or smoke
- special hazards such as falls from heights
- opportunities to purchase, acquire or consume alcohol

Note: A number of these factors are listed in more details in paragraph 5.5.6, but as this Policy applies to a wide range of premises and activities, the above list will not be applicable in all cases, and in some cases additional matters may need addressing.

5.5.15 Protection of children from harm issues may be addressed by the following examples of recommended management practice being included in operating schedules, having due regard to the type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (Public Places Charter)
- limitations on the hours when children may be present in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirement for children to be accompanied by an adult

- appropriate instruction and training for counter staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo and keeping a 'refusal' book.
- 5.5.16 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from Council Licensing and Child Protection Officers.
- 5.5.17 The Council will consider attaching Conditions to licences and certificates to protect children from harm.
- 5.5.18 While the Council expects Licence holders to comply with the law, the 2003 Act details a number of specific offences designed to protect children in licensed premises and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the underage sale and supply of alcohol to children.
- 5.5.19 While each case will be treated on its merits, where offences are disclosed the Trading Standards Service, as a responsible authority under the Licensing Act 2003, will consider seeking a review of a premises licence.
- 5.5.20 Designated premises supervisors and personal licence holders are also reminded of their responsibilities under the legislation to ensure that the licensing objectives are met, specifically here with regard to the protection of children from harm and are also reminded that enforcement action is not restricted solely to premises licence or certificate holders.

6. INTEGRATING STRATEGIES and AVOIDING DUPLICATION

- 6.1 There are many stakeholders in the leisure industry covering a wide range of disciplines and although their strategies are not always directly related to the promotion of the licensing objectives, they often indirectly impact upon them.
- 6.2 The Council therefore acknowledges the importance of co-ordinating and integrating these policies, strategies and initiatives and will maintain multi-disciplinary working groups to ensure its licensing policy integrates with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies, as well as any other plans relating to the management of the town centre and the night-time economy.

CRIME PREVENTION

- 6.3 Conditions attached to Licences and Certificates will, so far as possible, reflect local crime prevention strategies. Examples of such conditions can be found in the Pool of Conditions relating to prevention of crime and disorder contained in the Statutory Guidance to the Act.

CULTURAL STRATEGIES

- 6.4 The Council will make arrangements to monitor the impact of licensing on regulated entertainment, particularly live music, ensuring that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events.
- 6.5 Where there is any indication that such events are being deterred by licensing requirements, the statement of licensing policy will be examined to see if the situation might be reversed.

TRANSPORT

- 6.6 The Council will, if necessary make arrangements with Croydon Borough Police and other licensing enforcement officers for reports to be made to the Council's Traffic Management Advisory Committee and the Public Transport Liaison Panel on any matters relating to the need for the swift and safe dispersal of people from the town centre to avoid concentrations which can produce disorder and disturbance.

TOURISM AND EMPLOYMENT

- 6.7 Arrangements will be made for licensing committees to receive, when appropriate, reports on the following matters to ensure these are reflected in their considerations:
- the needs of the local tourist economy and the cultural strategy for the Borough, and,
 - the employment situation in the Borough and the need for new investment and employment where appropriate

PLANNING AND BUILDING CONTROL

- 6.8 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 6.9 Licensing applications will not be a re-run of the planning application and will not cut across decisions made by the planning committee or permissions granted on appeal.
- 6.10 The Council will however expect applications for premises licences or for a variation to an existing premises licence at permanent commercial premises to be from businesses having the relevant planning consent for the property concerned. In addition, persons submitting temporary event notices should ensure the premises in question has the requisite planning consent for the proposed activities and hours of operation. Where this is not the case, applicants will be expected to show good reason why the premises do not have planning permission.
- 6.11 The Croydon Local Plan sets out the criteria that will be used to assess planning applications for any changes of use that require planning permission. Some

changes of use do not require planning permission but an application for prior approval may be required to ascertain whether there are matters related to the change of use that do require planning permission. Applicants should contact the Council's Development Management service at development.management@croydon.gov.uk with any enquiries related to planning applications or the prior approval process.

- 6.12 Any application for planning permission will be expected to take into account the impact of noise and fumes (and other forms of potential nuisance) on neighbouring premises and to provide details of any mitigating measures, as applicable.
- 6.13 The Council will ensure that if requested, reports will be sent from the licensing committee to the planning committee advising them of the situation regarding licensed premises in Croydon, including the general impact of alcohol related crime and disorder, to assist them in their decision-making.

ADVANCING EQUALITY

- 6.14 The Council recognises its legal obligation under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a characteristic and those who don't.
- 6.15 The Council will assess and consult on the likely impact and monitor for any adverse impact on the advancement of equality which may arise as a result of this Policy Document and will publish the results.

DUPLICATION

- 6.16 The Council will, so far as possible, avoid duplication with other legislation and regulatory regimes that already place obligations on employees and operators, e.g. the Health and Safety at Work etc. Act 1974, the Environmental Protection Act 1990, the Regulatory Reform Fire Safety Order 2005 and the Equality Act 2010 in respect of accessibility for disabled people.
- 6.17 Conditions relating to public safety will only be attached to premises licences and club premises certificates where considered necessary for the promotion of that licensing objective and not covered by any other legislation and where regulations do not cover the unique circumstances of certain licensable activities in specific premises.
- 6.18 The Council acknowledges that bingo clubs are dealt with under the Gambling Act 2005 and will have due regard to the relevant advice regarding duplicating licence conditions which has been given under both this legislation and the 2003 Act when dealing with applications relating to alcohol, regulated entertainment or late night refreshment under the 2003 Act.

7. LIVE MUSIC, DANCING AND THEATRE

- 7.1 In its role of implementing local authority cultural strategies, the Council recognises the need to encourage and promote the broadest possible range of

entertainment, particularly live music, dance, street arts and theatre, for the wider cultural benefits of the community, especially for and/or involving children. In order to assist performers and entertainers, consideration will be given to obtaining licences for public spaces within the Borough where such uses take place/could take place on a regular basis.

- 7.2 In considering applications for such events, this cultural need will be carefully balanced against possible neighbourhood disturbance so that, when determining what conditions to attach to licences/certificates to promote the licensing objectives, the Council will be aware of the need to avoid measures which might deter such events by imposing substantial indirect costs.

8. TEMPORARY EVENT NOTICES

- 8.1 Certain temporary events do not require a licence and can be notified to the Council by a Temporary Event Notice giving a minimum of 10 working days notice or in the case of a 'Late' Temporary Event Notice, between 9 and 5 working days notice.

- 8.2 However, bearing in mind the scale, location or timing of the event it is considered that this may not allow sufficient time for organisers to carry out full and proper risk assessments and undertake discussion on the possible crime and disorder, public nuisance and/or health and safety issues with the Council, Police and any other interested parties.

- 8.3 The Council therefore recommends that, in order to ensure that events can take place with the minimum of risk, at least 28 days notice is given. Also, bearing in mind that it may be difficult to assess an event too far in advance, it recommends that normally, not more than 90 days notice is given.

9. STANDARDISED CONDITIONS

- 9.1 Where Conditions are properly attached to licences or certificates they will be tailored to the individual style and characteristics of the particular premises and events concerned.

10. ENFORCEMENT

- 10.1 It is essential that licensed premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and it is the responsibility of premises licence holders and designated premises supervisors (where applicable) to ensure this happens and that regulatory compliance is maintained. The Council and its partners will make arrangements to monitor premises and take appropriate enforcement action to ensure this but enforcement action should be considered to be the last resort and such intervention should not be necessary where premises are operated & managed effectively.

- 10.2 Each of the Responsible Authorities under the Act may make representations on an application or seek a review of a premises licence/club premises certificate, based on concerns around any of the licensing objectives. That said,

it is anticipated that specific responsible authorities will take a central advisory & enforcement role, as necessary, with regard to relevant licensing objectives, for example –

- Prevention of crime and disorder – Police
- Prevention of Public Nuisance – Council Environmental Health (Pollution) Team and the Planning Department
- Public Safety – Council Food & Safety Team or HSE (as applicable) and the LFB
- Protection of Children from Harm – Croydon Children’s Safeguarding Board, Police and the Trading Standards Team

10.3 Under the London Borough of Croydon Licensing Act 2003 Enforcement Protocol, originally approved by the Council’s substantive Licensing Committee on 21 June 2006, using the principles of risk assessment, the Council will work closely with the responsible authorities in enforcing licensing law and inspecting licensed premises. This should ensure that resources are more effectively concentrated on problem and high risk premises. This Protocol shall be reviewed, through a separate process to this policy review in the coming months and an updated version shall be available from the Council Licensing Team and posted on the Council’s website.

10.4 The Council will carry out its regulatory functions in accordance with good enforcement practice and particular regard will be had to fundamental principles. In that regard, Enforcement shall be:

- Targeted
- Consistent
- Transparent
- Proportionate
- Necessary

Any enforcement activity shall be undertaken in a fair, open and consistent manner in conformity with the above principles.

11. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

11.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

11.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

11.3 Further, where there are no relevant representations on an application for the grant of a premises licence or a club premises certificate or no police objection to a personal licence or objections from the Police or Environmental Health to an activity taking place under a temporary event notice, delegated authority has been granted for these matters to be dealt with by Officers.

- 11.4 Licensing Committee will receive regular reports on decisions made by Officers so that they maintain an overview of the general licensing situation.
- 11.5 The following Table sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committees and Officers.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

| MATTER TO BE DEALT WITH | FULL COMMITTEE | SUB - COMMITTEE | OFFICERS |
|---|----------------|-----------------------------------|------------------------------------|
| Application for personal licence | | If a police objection | If no objection made |
| Application for personal licence, with unspent convictions | | All cases | |
| Application for premises licence/club premises certificate | | If a relevant representation made | If no relevant representation made |
| Application for provisional statement | | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate | | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor | | If a police objection | All other cases |
| Request to be removed as designated premises supervisor | | | All cases |
| Application for transfer of premises licence | | If a police objection | All other cases |
| Application for interim authorities | | If a police objection | All other cases |
| Application to review premises licence/club premises certificate | | All cases | |
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc. | | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | | All cases | |
| Determination of a police or Environmental Health objection to a temporary event notice | | All cases | |

- 11.6 This form of delegations is without prejudice to Officers referring an application to a Sub-Committee or Full Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

DEFINITIONS

The following definitions have been included to provide an explanation of some of the terms included in this Licensing Statement. In some cases they have been abbreviated or interpreted from the format set out in the Licensing Act 2003 and reference should therefore be made to the Act for the full definition.

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will have been given day to day responsibility for running the premises by the holder of the Premises Licence or may be the Premises Licence holder themselves.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11pm and 5am.

‘Licensable Activities’ means:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of Late Night Refreshment

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed):

- the relevant Licensing Activities
- the times at which the Licensable Activities are to take place and any other times the premises are open to the public
- information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the Licensing Objectives

‘Regulated Entertainment’ means (subject to certain de regulation*): where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators –

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling in the previous three categories listed above

**Readers are advised to read and familiarise themselves with Chapter 16 of the statutory guidance, produced by the Home Office under Section 182 of the Licensing Act 2003*

(latest version April 2017), which concerns regulated entertainment.

'Responsible Authority' means any of the following:

- the Chief Officer of Police
- the Fire Authority
- the relevant enforcing authority for Health and Safety
- the local Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- the local Trading Standards department
- the Licensing Authority
- Public Health
- The Home Office (Immigration Service)

'Temporary Event Notice' means the notification of a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:

- duration – limited to events lasting up to 168 hours
- scale – not more than 499 people present at any one time
- use of same premises – same premises cannot be used on more than 15 occasions in a calendar year, but subject to an aggregate limit of not more than 21 days irrespective of number of occasions
- number of notices by an individual – Personal Licence holder limited to 50 notices in one year, anyone else limited to 5 in a similar period
- in all other circumstances a Full Premises Licence or a Club Premises Certificate will be required for the period of the event involved.

Evidence and Data

Alcohol use

Between 2,256 and 4,384 adults in Croydon were estimated to be alcohol-dependent in 2014¹

Between 2.4%-4.6% of 15 year olds in Croydon were regular drinkers, as estimated by The What About Youth survey in 2015

26.9% of adults in Croydon abstain from alcohol, 9.2% binge drinking on their heaviest drinking day and 19.2% drink more than 14 units of alcohol a week as per the Health Survey for England (2011-14)

Off licenses

Croydon's off-license density rate was 2.99 premises for every 1,000 households, as of 21 July 2017. i.e. there were 433 premises in Croydon licensed to sell alcohol to drink off the premises (off-licenses).²

In 2014, a total of 1,398,180 litres of alcohol were sold through the off-trade, this is equivalent to 4.9 litres per adult (aged 18+).

PHE analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions. No association was found for on-trade sales.

Claimants of benefits due to alcoholism

Approximately 250 people in Croydon claimed benefits due to alcohol in 2016. This is a rate of 103.8 people per 100,000. This is a similar rate to London (105.4) and lower rate than England (132.8).

Crime

Data³ shows that there is a strong relationship between alcohol and a range of crimes including violence. Alcohol-related crime is closely linked to domestic violence which has also seen higher levels of reported offences in Croydon.

Alcohol-related crime is generally used to refer to two main categories of offences; alcohol-defined offences (such as drunk and disorderly or driving under the influence) and offences where alcohol is thought to have played a role in the committing of the offence (usually where the offender was under the influence, such as assault, antisocial behaviour, criminal damage).

In 2016, the Metropolitan Police Service recorded 30,220 crimes within Croydon, of which 10,515 were violence against the person (34.8% of all recorded crimes).⁴ The CSEW shows that, in 2015/16, 40% of the victims of violent incidents believed the offender(s) to be under the influence of alcohol. In Croydon this would result in a total of 4,206 offences of violence against the person were alcohol-related.

Note: The Metropolitan Police Service (MPS) reports on recorded crimes within each local authority, but does not specify whether alcohol was a factor in the offence being committed. The Crime Survey for England and Wales (CSEW) does provide proportions of violent incidents where the victim believed the offender(s) to be under the influence of alcohol.⁵ We can apply these national survey proportions to the MPS recorded crime data to estimate the approximate number of alcohol-related violent crime in the borough

In addition to this there were 9,065 incidents of anti-social behaviour recorded in Croydon in the same year.⁶

Total recorded crime in Croydon had been slowly decreasing since 2009, but has started to increase since 2014 - largest increases seen were in miscellaneous crimes against society (45% increase), public order offences (42%), violence without injury offences (35%) and sexual offences (28% increase).⁷

Ambulance incidents and dispatches

67,187 ambulance dispatches were recorded within Croydon in 2016, and 4.8% (N~3,224) of these were alcohol-related as per the London Ambulance Service. Across London, 6.3% of all ambulance dispatches were alcohol-related. In Croydon, these dispatches relate to 48,178 specific incidents and similarly 4.6% of all incidents were alcohol-related, compared to 6.1% across London.⁸

Alcohol-related road traffic accidents

21 road traffic accidents in Croydon in 2013-15 were alcohol-related. This is a rate of 7.6 per 1,000 road accidents. This is a similar rate to London (9.8) and lower rate than England (26.0).

Hospital admissions

Croydon has a higher rate of admissions for alcohol-related conditions in the under 40 age-group than that seen across London, a rate of 264 per 100,000 compared to 205 in London.

In 2015/16 there were 1,776 admissions to hospital for alcohol-related conditions (using a more specific/narrow definition or alcohol-related therefore a conservative estimate). This is a rate of 523 per 100,000 population. 46% of these admissions were of people aged 40-64 years and 30% were to people under 40 years of age.

Further, an additional 1,730 admissions occurred in the same year for alcohol-specific conditions. This is a rate of 506 per 100,000 population.

Mortality

Latest data shows that Croydon had an alcohol-specific mortality rate of 7.7 (2013-15) and an alcohol-related mortality rate of 43.7 (2015). Rates are directly standardised per 100,000 population. Croydon had a lower alcohol-specific mortality rate than England (11.5), and a similar alcohol-specific mortality rate to London (8.7). Alcohol-related mortality rates in Croydon were similar to both England (46.1) and London (41.3).

Over the last three years the number of alcohol related ambulance call outs in Croydon has been as follows –

2014/15 2425
2015/16 2451
2016/17 2264

In 2016/17, out of a total of 33 London boroughs, Croydon had the 10th highest ambulance call outs related to alcohol⁹.

There is evidence¹⁰ of a clear positive relationship between increased premises density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tends to be associated with not only an increase in alcohol consumption, but also alcohol related crime and violence and under 18 alcohol specific hospital admissions.

It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Nationally, Croydon is ranked the seventh worst borough for binge drinking and it also ranks twice the London average⁸.

Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Pre-loading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident¹¹. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.

In recent years, drinking behaviour has changed where more people now purchase alcohol from supermarkets and shops. More people are likely to be drinking alcohol in the home, often to excess. Croydon has seen an increase in the number of off licences and a decrease in the number of pubs¹². This indicates a significant shift in sales of alcohol from the "on" trade to the "off trade". The Licensing Authority wish to ensure that the policy recognises this shift in drinking patterns. There is a good evidence base¹³ that effective interventions to reduce the negative impacts of alcohol are those that restrict the ease of acquiring alcohol itself. This can be achieved by increasing the cost of alcohol but also reducing the hours and days of sale and by restricting the number of outlets.

A business and consumer survey conducted by the Croydon Town Centre Business Improvement District¹⁴, identified street drinking as a problem by 28% of consumers of whom 5% thought that it was a priority to improve. This view was shared by local businesses for whom street drinking at night was also a cause for concern with 71% considering this as needing improvement or a priority; street drinking during the day, while less pronounced in terms of responses was also a concern at 65%

There are concerns about parts of the borough which experience high levels of alcohol related crime and alcohol related hospital admissions and where it is clear that the density of shops selling alcohol for consumption off the premises is significantly higher than in other parts of the borough.

The following four cumulative impact zones in Croydon were introduced in January 2014 -

Brighton Road, South End, High Street & George Street Cumulative Impact Area

Contains 40 premises that are licensed to sell alcohol off the premises. Local police expressed concerns about street drinkers who could source their cheap alcohol from these outlets.

London Road Cumulative Impact Area

The London Road corridor, split into 3 sections, from the junction of London Road and Tamworth Road in West Croydon to the borough border with LB Lambeth has 65 premises that are licensed to sell alcohol off the premises. Local police and local residents expressed concerns about an emerging problem with street drinkers who

could source their cheap alcohol from these outlets.

Brigstock Road and High Street, Thornton Heath Cumulative Impact Area

The Brigstock Road and High Street, Thornton Heath Cumulative Impact Area has 15 premises that are licensed to sell alcohol off the premises.

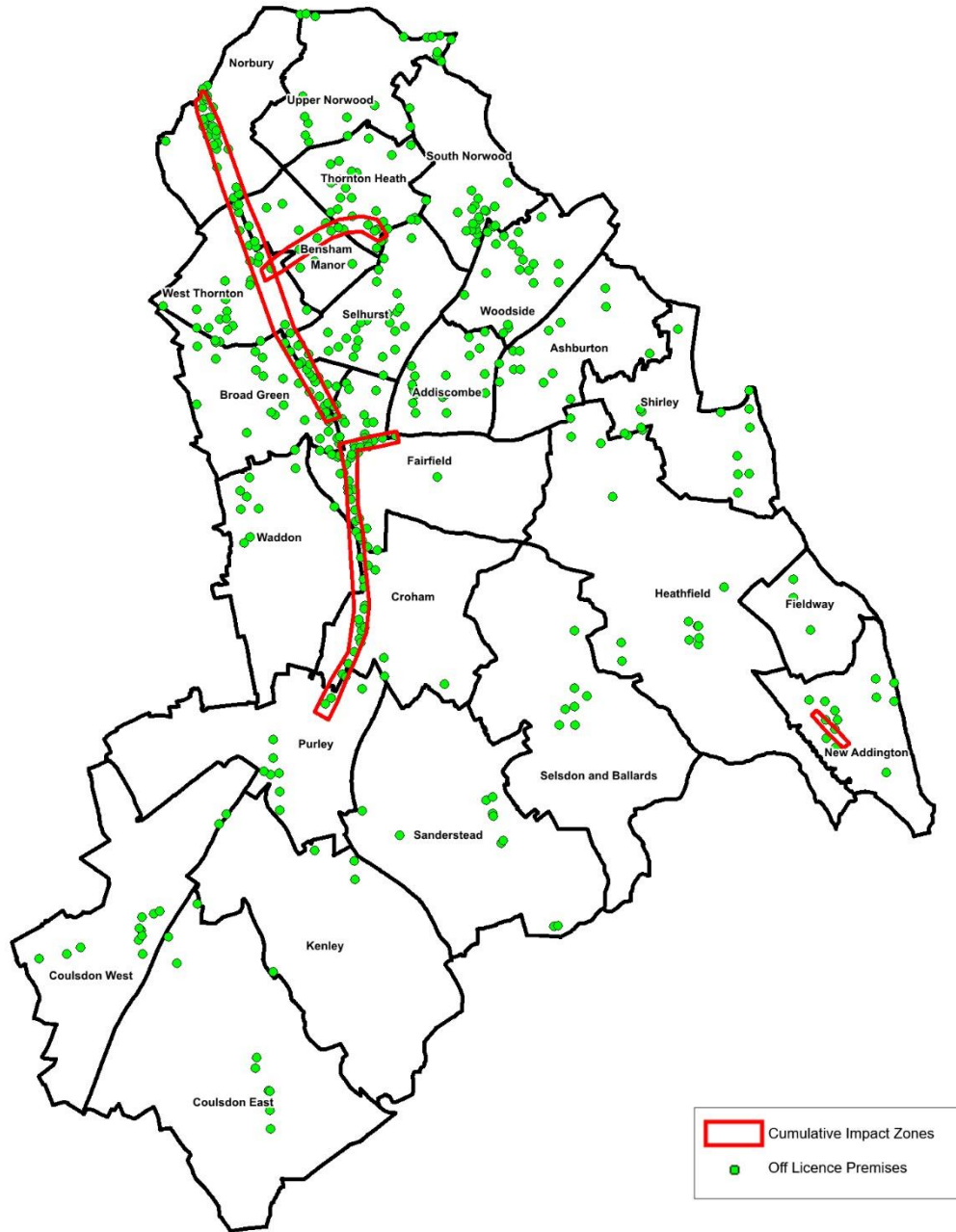
Central Parade, New Addington Cumulative Impact Area

Central Parade has 7 premises licensed to sell alcohol off the premises located in very close proximity to one another.

Local residents and community groups had complained to the Council and police about intoxicated adults frequenting these shops becoming abusive and aggressive to passers-by. A questionnaire on alcohol circulated by the New Addington Pathfinders (a local community group) found that out of 384 respondents, 271 (70%) felt that there were too many off-licences and other shops where alcohol could be purchased.

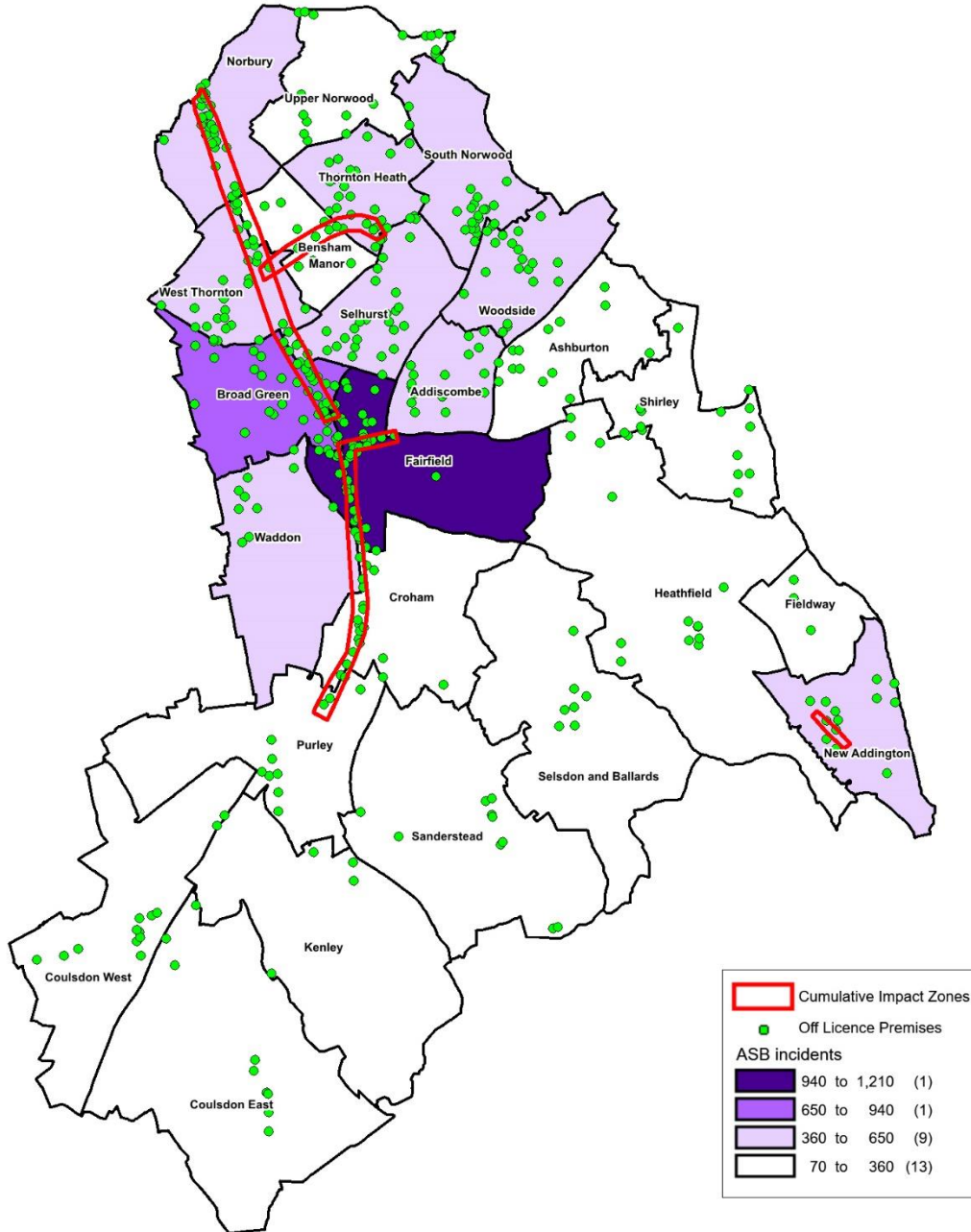
The 3 maps below detail off-licence density and indicate the four existing cumulative impact zones specific to off licences, antisocial behaviour incidents in 2016 and ambulance call-outs (dispatches) between 2011-13 & 2014-16, in Croydon.

Off Licence Premises in Croydon



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2017 OS Licence number 10001927

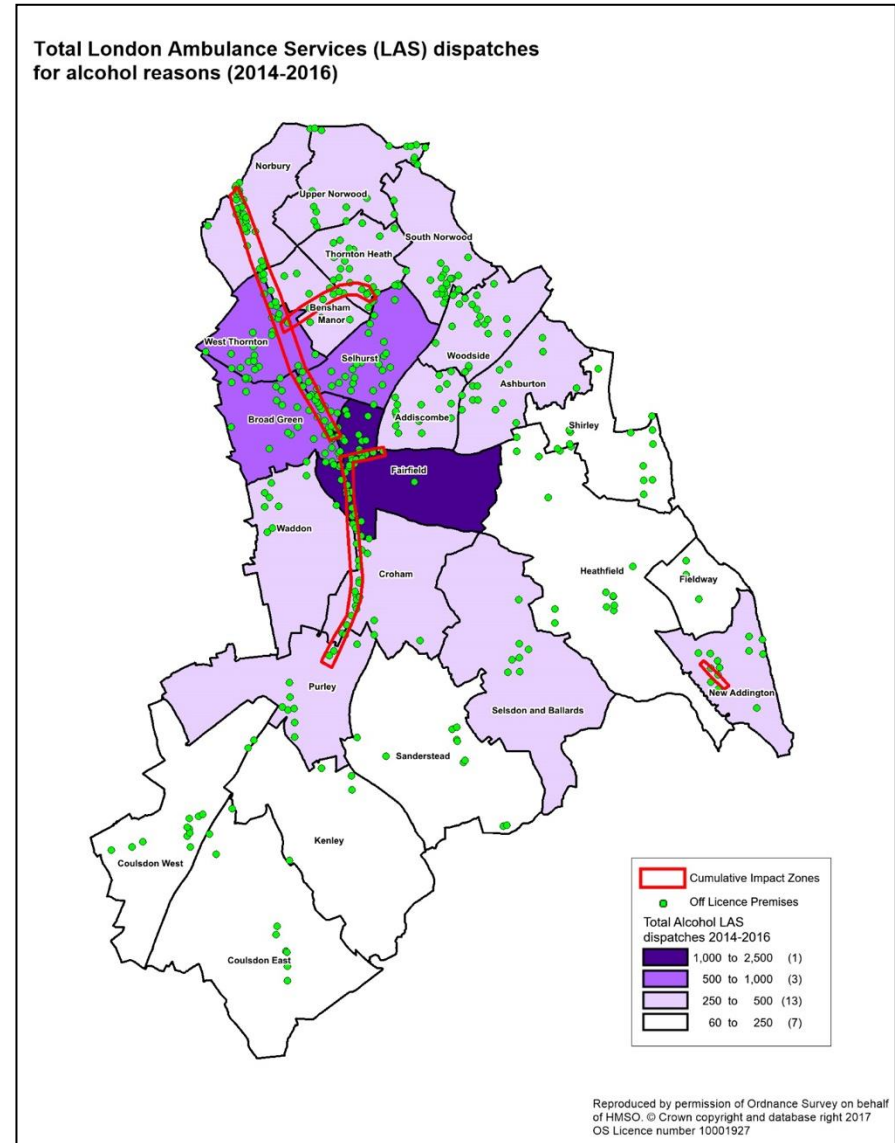
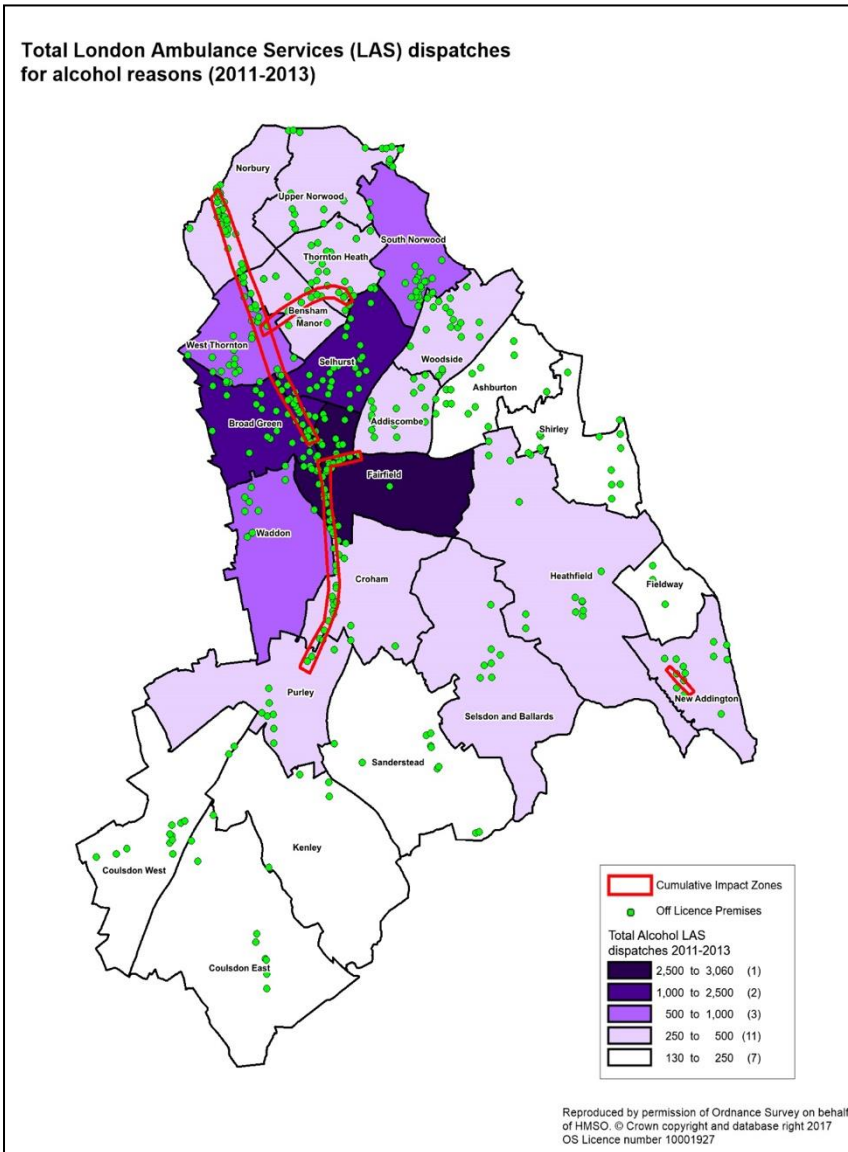
Total Anti-Social Behaviour (ASB) incidents 2016



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2017 OS Licence number 10001927

The maps below shows the total number of ambulance dispatches for alcohol-related reasons in the two years prior to and two years since the CIZs being in place

Page 103



CONTACT DETAILS, ADVICE and GUIDANCE

If you require advice on making an application or about making representations on an application or about seeking a review of a licence or certificate, please contact the Council's licensing team on 020 8760 5466 or at licensing@croydon.gov.uk .

Application forms are also available from the licensing team and details of:

- The names and addresses of Council, police and fire contacts able to give advice
- The responsible authorities under the legislation
- Advice on preparing operating schedules
- Pools of conditions
- Other guidance – for instance regarding personal licences, designated premises supervisors and temporary event notices

Alternatively, information, guidance and application forms can be obtained from the Home Office website at www.homeoffice.gov.uk .

Endnotes & References

- ¹ The Estimates of Alcohol Dependence in England based on APMS 2014, <http://www.nta.nhs.uk/facts-prevalence.aspx>
- ² Off-licence numbers taken from local council licensing team. Density based on number of households with at least one resident from 2011 Census, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/2011censuspopulationandhouseholdestimatesforwardsandoutputareasinenglandandwales>
- ³ Metropolitan Police Service figures from Greater London Authority https://data.london.gov.uk/dataset/recorded_crime_summary
- ⁴ Crime Survey for England and Wales, nature of crime tables (violence), <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimetablesviolence>
- ⁵ Metropolitan Police Service figures from SafeStats, restricted access
- ⁶ Metropolitan Police Service figures from SafeStats, restricted access
- ⁷ Public Health Intelligence Profile on Croydon Crime Statistics
- ⁸ London Ambulance Service figures from Greater London Authority, <https://data.london.gov.uk/dataset/monthly-ambulance-service-dispatches>
- ⁹ London Ambulance Service data provided by Safestats, GLA
- ¹⁰ One on Every Corner - The relationship between off-licence density and alcohol harms in young people. Alcohol Concern 2011
- ¹¹ Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5
- ¹² Croydon Council Licensing Team Data
- ¹³ WHO Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol
- ¹⁴ Croydon Town Centre Annual Town Centre BID Business and Consumer Survey 2013

This page is intentionally left blank

Agenda Item 9

| | |
|---|--|
| REPORT TO: | LICENSING COMMITTEE 9 December 2020 |
| AGENDA ITEM: | 9 |
| SUBJECT: | London Local Authorities Act 1990 Request for Delegation of Decision Making Authority to the Director of Public Realm in respect of – Uncontested Street Trading Designation and Variation Applications Uncontested Street Trading Licence related Applications, including variations |
| LEAD OFFICER: | Executive Director, Place Department |
| CABINET MEMBER: | Councillor David Wood Cabinet Member for Communities, Safety & Resilience |
| WARDS: | All |
| CORPORATE PRIORITY/POLICY CONTEXT: <p>This report is specific to the subject matter and has no implications on the Council's Corporate Policies, however, if the recommendations in this report are adopted, it will streamline decision making and allow the committee to focus on matters of a more contentious and high profile nature and it will also provide faster decision making response times to applicants and reduce burdens on small business and both these link to the aim in the Corporate Plan 2018-22 that seeks to ensure business moves here and invests and our existing businesses grow.</p> | |
| FINANCIAL SUMMARY: <p>There are no direct financial implications arising from this report. However, in addition to streamlining the decision making process, it will reduce costs associated with arranging and holding hearings, both remotely and in the Town Hall and will reduce time and financial costs on small business who currently have to attend hearings.</p> | |
| FORWARD PLAN KEY DECISION REFERENCE NO.: N/A | |

For general release

1. RECOMMENDATIONS

The Committee is recommended to:

1.1 Delegate authority to the Director of Public Realm, in consultation with the Chair of the Licensing Committee, to consider and determine the following matters pursuant to the provisions of the London Local Authorities Act 1990 ("the Act"), as amended:

- (a) Applications for a Street Designation Order (designation of a License Street or part of street) under Section 24 of the Act which are not located within the Council's Saturation Zone for these purposes and in respect of which no objections have been received (or if received but have been subsequently withdrawn). If the Director of Public Realm is satisfied that street trading should be licensed in the authority area (or specified part thereof), the Director of Public Realm may, subject to consultation requirements, pass one or more of the following resolutions:
- A designating resolution designating any street (or part thereof) within the borough as a "licence street";
 - A resolution specifying in relation to any such street (or part thereof) any class/es of articles, things or services which will or will not be prescribed in any street trading licence granted in respect of that street (or part thereof)
- (b) Applications to vary or consideration of rescinding a Street Designation Order in respect of which no objections have been received (or if received but have been subsequently withdrawn) and the associated resolutions required.
- (c) Applications for the grant/renewal/variation/revocation of Street Trading Licenses under Sections 25, 28 and 29 of the Act in respect of streets or part(s) of street(s) which are designated for the purposes of street trading as "license streets" where no objections have been received (or if received but have been subsequently withdrawn) to the application under consideration and to impose Standard Conditions, Appendix 1 hereto, and such site specific conditions as are reasonable in relation to the license.

Such delegations shall not preclude the Director of Public Realm referring a matter to the Committee for consideration and determination where it is considered appropriate to do so.

1.2 Update the Council's Street Trading Licensing Policy, Appendix 2 to this report, to reflect the above delegations where necessary, to update outdated references to previous officers' titles contained therein and to include the Standard Conditions as an Appendix to the Policy.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to delegate decision making authority under the provisions of the London Local Authorities Act 1990 (as amended) to the Director of Public Realm, in consultation with the Chair of the Licensing Committee, in respect of uncontested applications for the designation, variation or rescinding of streets or part(s) of street(s) for the purposes of street trading, in respect of uncontested applications for grant, renewal, variation or revocation of street trading licenses and in respect of amending standard & site specific conditions attached to street trading licenses.
- 2.2 It is recommended that all such applications where there are objections or representations against the designation/de-designation or against grant/renewal/variation/revocation will still be considered by the Committee so that contentious matters, including those which fall within the saturation zone as set out in the Street Trading Licensing Policy, still remain with Committee to determine but that uncontentious and routine matters are dealt with by officers.

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 Section 24 (1) of the London Local Authorities Act 1990 (as amended) states:

'If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions:

(a) a resolution (in this Part of this Act referred to as a "designating resolution") designating any street within the borough as a "licence street";

(b) a resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will, or other than which they will not, prescribe in any street trading licence granted by them in respect of that Street;

and may from time to time by subsequent resolution rescind or vary any such resolution:

provided that before passing a designating resolution, a borough council shall consult with the Commissioner of Police of the Metropolis on their proposal.'

- 3.4 Section 25 of the Act sets out the application process for a new or renewal of street trading license, including the required information which must form part

of the application, publication and notification requirements and the mandatory grounds upon which such an application shall be refused and discretionary grounds on which the application may be refused.

- 3.5 Section 27 provides for the period of validity of the license if granted and not subsequently revoked or suspended and makes provision in respect of standard Conditions for such licenses.
- 3.6 Section 28 and 29 respectively make additional provision for the revocation or variation of licenses and notice requirements in relation to refusal to grant under the discretionary grounds for refusal (section 25(6)), revocation or variation under section 28 and variation under section 27(1).
- 3.7 Currently, all proposals to designate a street or part(s) of street(s) in the borough for the purposes of street trading are referred to the Councils substantive licensing committee to consider even if there are no objections. Similarly, all applications for new street trading licenses or applications to vary the terms of an existing street trading licence are referred to the committee even if there are no objections. In addition, each street trading licence issued has standard conditions attached to it and some licenses have site specific conditions attached. Standard conditions vary slightly dependent on whether the premises in question is on a section of highway maintained by Croydon Council or Transport for London. A copy of the current standard conditions is attached at Appendix 1.
- 3.8 This report proposes that the determination of all street trading designations and licence applications be delegated, by the Committee to the Director of Public Realm to determine, in consultation with the Chair of the Licensing Committee. However, where an application draws objections or where the designation site is in the Saturation Zone, the matter will be referred to the Committee to consider.
- 3.9 The Council Licensing Committee convenes for four scheduled evening meetings in the financial year, basically meeting every three months. In addition, where statutory time deadlines or operational demands make it necessary, the committee can also meet on an ad hoc basis to deal with specific issues.
- 3.10 The committee is asked to consider and determine matters relating to licensing policy, fees and standard conditions for particular types of licence. Subject to para. 3.9 below, it will also meet to consider licence applications that have drawn objections, in order that applicants and objectors are afforded a fair and open hearing and may also be asked to consider licence applications where there are no objections but where officers believe the matter to be high profile and of particular public interest. For this reason, the delegation seeks to reserve the right of the Director of Public Realm to refer matters back to the Committee for consideration and determination should it be considered appropriate to do so.
- 3.11 In addition to the above, at each scheduled licensing committee, members

are also currently asked to determine whether to grant applications to designate a street or part of a street for the purposes of street trading even where there are no objections and whether to grant a new or variation application for an existing street trading licence, even if there are no objections. They would also be asked to consider whether to amend any standard or site specific condition attached to a street trading licence.

3.12 Summoning Members solely to consider such uncontested matters could be considered as unnecessarily costly to Members and the Council (in both time & monetary terms) as well as the cost implications of having officers attend and the facilities management costs of heating, lighting and security staff for in person meetings and the webcasting and IT support costs for remote meetings. In addition, applicants are called to the meetings to explain and substantiate their application, even though no one has raised any objections, which has time & cost implications for them and their business operations.

3.13 With regard to standard conditions attached to street trading licenses, as can be seen at Appendix 1, these are identical aside from the width of available footway for Council & TfL maintained sections of highway.

4. CONSULTATION

4.1 There are no consultation requirements associated with this report.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

There are no direct adverse 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) below he/she will have the right of appeal to the Magistrates' Court against the decision. The decision of the Committee or the Director of Public Realm, if the delegation is approved may also be subject to Judicial Review.

An appeal against a decision of the Committee or the Director of Public Realm, if the delegation is approved 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 Committee may agree to designate an area for street trading or they may decline to do so. With regard to licenses, the options available are: to grant an application, to vary an application, with or without further conditions, or to refuse an application.

5.4 Future savings/efficiencies

If the recommendations in this report are approved, the Council will see monetary savings in not requiring members or officers to attend evening hearings solely for uncontested applications and there will also be monetary savings with regard to facilities management, for example heating, lighting and security costs or webcasting and IT support costs (where applicable) .

5.5 Approved by: Felicia Wright, Head of Finance, Place Department.

6. LEGAL CONSIDERATIONS

LICENCE STREET

- 6.1 If the borough council considers that street trading should be licensed in an area, they may pass a resolution designating any street within the borough as a "licence street" in accordance with Section 24 of the Act.
- 6.2 The first decision which has to be made is whether to designate the particular location as a "licence street", which in turn would permit the consideration of a licence application.
- 6.3 Under Section 24 of the Act, the designation of a location as a "licence street" is at the discretion of the decision maker and this decision is not subject to any direct appeal. The Council's Street Trading Licensing Policy does provide that in determining whether a street or particular site should be designated for the purpose of street trading the following matters may be considered:
- The presence of existing street furniture;
 - The proximity and nature of any road junctions and pedestrian crossing points;
 - The number of sites already designated in the same street;
 - Whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction to e.g. pedestrians, prams and wheelchairs;
 - Whether it leaves the recommended minimum clear passage of 2.0 metres (or 2.8m on TfL roads), between the front edge of any display and the edge of the kerb or any item of street furniture (railings, lamp posts etc.) – whichever is the nearer to the display;
 - Put the safety of pedestrians at risk;
 - Have a negative effect on the character and appearance of the area;
 - Any relevant Council policies relating to the town or district centre in question whose implementation might be impeded or compromised by the designation.
- 6.4 In relation to 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 streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional 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.

6.5 Each application must be considered on its own merits.

6.6 **STREET TRADING LICENCE**

If a site has been designated as a 'licence street', the committee or the Director of Public Realm, if the delegation is approved must then decide whether to grant a licence to trade at that site – a 'street trading licence'.

7. **GROUND FOR REFUSAL**

7.1 Under Section 25(4) of the Act, a street trading licence:

- (a) shall not be granted:
 - (i) to a person under the age of 17 years; or
 - (ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of the Act but nothing in this paragraph shall prevent the renewal of such a licence; or
 - (iii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice-cream trading to a body corporate or to an unincorporated association;
 - (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
 - (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under Sub-Section

1) (b) of Section 24 of this Act, specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;

- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons or vehicular traffic using the street.

7.2 Under Section 25(6) of the Act, the Council may refuse an application on any of the following grounds:

- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposed to trade when street trading is not taking place;
- (f) that the application is for the grant (but not the renewal) of a street trading licence; and
 - (i) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
 - (ii) the articles, things or services mentioned in the application are sold or provided at the shop;
- (g) that
 - (i) the application is for the grant (but not the renewal) of a street trading licence; and
 - (ii) the only available position in the street is within the curtilage of a shop; and
 - (iii) the applicant is not the owner or occupier of the premises comprising the shop.

- 7.3 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there are no additional legal implications arising from the recommendations in the report other than those already set out within the body of the report.

(Approved by Sandra Herbert, Head of Litigation and Corporate law on behalf of the Director of Law and Governance and Deputy Monitoring Officer).

8. HUMAN RESOURCES IMPACT

- 8.1 There are no specific Human Resource implications associated with this report. 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, for and on behalf of Sue Moorman, Director of Human Resources)

9 EQUALITIES IMPACT

- 9.1 The arrangements for the consideration of Licensing Applications under street trading legislation 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.

10. ENVIRONMENTAL IMPACT

- 10.1 There are no perceived environmental and design impacts relating to this report.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 As this report relates to internal Council decision making, the Police Licensing Officer has not been consulted on this matter.

12. DATA PROTECTION IMPLICATIONS

- 12.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

The Director of Public Realm comments that agreeing the recommendations in this report will not result in the processing of personal data.

Approved by: Steve Iles, Director of Public Realm

CONTACT OFFICER:

Michael Goddard, Head of Public Protection and
Licensing, Place Department, ext. 61838.

APPENDICIES

Appendix 1: Standard Street Trading Licence Conditions

Appendix 2: Street Trading Licensing Policy

BACKGROUND DOCUMENTS: None

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. Premises displaying tables and chairs shall 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.

Transport for London Maintained Roads

1. The licensee shall ensure that there is a minimum clear passage of **2.8 metres** between the front edge of their display and the edge of the kerb or any item of street furniture (railings/lamp post 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. Premises displaying tables and chairs shall 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.

SF.C116

STREET TRADING LICENSING POLICY

Introduction

For the purposes of controlling street trading in the borough, the Council have previously adopted the relevant provisions of the London Local Authorities Act 1990 (as amended). This policy is intended to provide a framework for the Council's approach to the licensing of street trading throughout the borough. It should be read in conjunction with any specific policies which the Council may agree from time to time for particular areas in the borough, such as the North End Licensing Policy and the Surrey Street Market Licensing Policy.

Legislation

Street trading can include the sale, display or offering of goods for sale outside a shop premises, street markets or the placing of tables and chairs outside a café, restaurant or bar. These activities are controlled by licences under the London Local Authorities Act 1990 (as amended) ("the Act"). Under the Act the Council is responsible for granting, renewing varying or revoking all street trading licences. This function is generally undertaken by the Executive Director of Community Services (CS) and his officers further to the delegations determined by the Licensing Committee (the Committee).

Where street trading is to take place at a site for the first time, the street/area has to be designated (unless it is being done under a temporary licence). Applications for Street Designation Orders and applications for the grant/variation/revocation of a licence where there are objections, or any other matter requiring determination referred to it by the Executive Director of CS, are heard by the Licensing Committee.

A refusal to designate a site can only be challenged by way of judicial review.

Appeals against a refusal to grant, renew or revocation of a licence are heard by the Magistrates Court.

The aim of this Policy is to set out the general approach of the Council where considering:

- applications for street designation orders;
- applications for street trading licences;
- applications for temporary licences;
- the revocation, or prosecution for breach, of a licence.

Consultation

In the development of this Policy local traders, partner agencies and officers were consulted.

Principles

Nothing in this Policy will:

- undermine the rights of any person to make an application under the Act for a licence and to have that application considered on its merits; or
- override the right of any person to make objections or appeal against any decision.

Definitions (Section S21 of the Act)

‘Street’ includes -

- any road or footway; any other area, not being within permanently enclosed premises, within 7m of any road or footway to which the public obtain access without payment—
 - whether or not they need the consent of the owner or occupier; and
 - if they do, whether or not they have obtained it;
- any part of such road, footway or area;
- any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985 (c. 68);

‘Street trading’ – means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.

‘Street trading licence’ – means a licence granted under the Act and valid for not less than six months and not more than 3 years. The licence can only be granted in a designated street.

Note: Use of the street by customers as a smoking area outside premises is not considered to be street trading. The Licensing Committee will not therefore usually consider requests for designation where the use is solely for these purposes.

‘Temporary licence’ – means a licence granted under the Act valid for a single day or for a period not exceeding 6 months.

Designation of Sites for Street Trading

If the Council considers that street trading should be licensed in an area, they may pass a resolution designating any street or part of a street as a licensed street. This designation is at the discretion of the Committee and each application will be considered on its merits. In determining whether a street or particular site should be designated for the purpose of street trading the following matters may be considered:-

- The presence of existing street furniture;
- The proximity and nature of any road junctions and pedestrian crossing points;
- The number of sites already designated in the same street;
- Whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction to e.g. pedestrians, prams and wheelchairs;
- Whether it leaves the recommended minimum clear passage of 2.0 metres (or 2.8m on TfL roads), between the front edge of any display and the edge of the kerb or any item of street furniture (railings, lamp posts etc) – whichever is the nearer to the display;
- Put the safety of pedestrians at risk;
- Have a negative effect on the character and appearance of the area;
- Any relevant Council policies relating to the town or district centre in question whose implementation might be impeded or compromised by the designation.

During the application period of 28 days, Police and the Highways Authority are consulted. For certain parts of London Road, Thornton Road, Purley Way, Brighton Road, Addiscombe Road, Godstone Road and Wickham Road, Traffic for London (TfL) is the Highway Authority.

In relation to 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 streets in the borough, there are enough existing designated sites it may, subject to a similar process of consultation, decide to include these additional 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.

Licences

Temporary Licence

There are a number of activities which will require a temporary licence. These include:

- Buskers and street entertainers
- Companies promoting their services or a new product
- Individual stalls e.g. fairground ride, hot dog seller
- Organised multiple stalls forming a street market e.g. farmers market, foreign market.

A temporary licence may be granted for a single day or other periods of time up to a maximum of 6 months dependant on whether the activity/event is a one-off of short duration e.g. promotions or an event taking place over a longer period such as a Christmas market.

Street Trading Licence

The following activities require a street trading licence:

- a street market e.g. Surrey Street;
- items for sale displayed on the public footway immediately outside a shop;
- tables and chairs on the public footway immediately outside their food and drink premises;
- trading activities on private land adjacent to a street e.g. shellfish seller in pub car park, flower seller outside cemetery, phone accessories outside grocers;
- trading from a mobile vehicle e.g. burger van.

Note: The placement of 'A' boards outside a premises do not require a street trading licence. However, they must not cause an obstruction and be maintained so as not to cause injury or accident to passers by.

Where the street trading proposed will first require designation of the street the trader will be recommended to initially apply for a temporary licence. This will give them the opportunity to trade while the licensing process for the street trading licence takes place (this can take up to 3 months) an enable the assessment of whether the street should be designated for street trading.

Note: This does not apply to proposed trading from mobile vehicles.

Monitoring & Enforcement Action

Officers regularly inspect all areas where street trading takes place, to ensure compliance, for example that trading is taking place within the area granted by the licence, which may also be marked on the pavement. In addition all complaints of unlicensed trading or breaches of the licence conditions are investigated.

Enforcement action will also be in accordance with the Council and Divisional Enforcement Policy.

Without prejudice to the Council's powers to prosecute for any offences under the Act, the Council may suspend or withdraw the licence and/or seize the goods where it is believed that there has been a serious breach of the licence conditions or the Act, such as unlicensed street trading. It should be noted that no revocation procedures are required in relation to a temporary licence.

The decision to revoke, suspend or withdraw a licence or to prosecute a licence holder or assistant will generally be taken by the Executive Director of CS or officers under the relevant scheme of authorisation. The decision will take into account:

- seriousness of the breach
- previous trading history
- level of past compliance
- traders response to previous warnings

Review

This Policy may be reviewed by the Licensing Committee or minor changes made to it by the Executive Director of CS, in consultation with the Chair of Licensing Committee, where circumstances require and there is not sufficient time to convene

