

Licensing Committee Agenda



To: Councillor Callton Young OBE (Chair)
Councillor Pat Clouder (Vice-Chair)
Councillors Karen Jewitt, Nina Degrads, Robert Canning, Felicity Flynn,
Chris Clark, Margaret Bird, 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, 30 September 2020** at **6.30 pm**. **This meeting is being held remotely; to view the meeting, please click [here](#).**

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
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Bernard Weatherill House
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Thomas Downs
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Tuesday, 22 September 2020

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If you require any assistance, please contact Thomas Downs
020 8726 6000 x86166 as detailed above.

AGENDA – PART A

1. Election of Vice-Chair

To elect a Vice-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 - 12)

To approve the minutes of the meeting held on 8 January 2020 as an accurate record.

4. Minutes of previous Licensing Sub-Committee Meetings (Pages 13 - 28)

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

- 28 May 2020
- 23 June 2020
- 18 August 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: Applications for Street Designation Orders (Pages 29 - 126)

The Committee is asked to determine whether to designate the sites detailed at Appendices A to E for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

8. 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 (Pages 127 - 140)

This report details the recommended changes to the Licensing Sub-Committee hearings protocol by virtue of Covid-19 requirements.

9. Pavement Licensing: Update on Delegation of Functions (Pages 141 - 146)

This report details the actions taken to delegate pavement licensing functions and ensure that the Council is able to deliver this new service.

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

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Licensing Committee

Meeting of held on Wednesday, 8 January 2020 at 6.30 pm in Council Chamber, Town Hall,
Katharine Street, CR0 1NX

MINUTES

Present: Councillor Chris Clark (Chair);
Councillor Michael Neal (Vice-Chair);
Councillors Nina Degrads, Felicity Flynn, Karen Jewitt, Margaret Bird,
Steve O'Connell, Badsha Quadir and Robert Ward and David Wood.

Also

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

Apologies: Councillors Pat Clouder and Stephen Mann and Bernadette Khan

PART A

1/20 **Apologies for Absence**

Apologies were received from Councillors Clouder and Khan.

Apologies were received from Councillor Sherwan Chowdhury, for whom Councillor David Wood was in attendance as substitute.

2/20 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 September 2019 were agreed as an accurate record.

3/20 **Minutes of previous Licensing Sub-Committee Meetings**

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

- 16 October 2019
- 25 November 2019
- 18 December 2019

4/20 **Urgent Business (if any)**

There were no items of urgent business.

5/20 **Disclosure of Interests**

There were no items of urgent business.

6/20 **London Local Authorities Act 1990: Application for Street Designation Order x5 & Application for Variation to Street Trading Licence x1**

The Committee considered the application to designate a section of public highway outside **112 Brighton Road, Coulsdon, CR5 2NB (Appendix A)**.

The Head of 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 for tables and chairs outside of Nonna Rosa's Cafe on the same side of the street. 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 offered to provide responses to any questions which the Committee had but declined to provide further comment on the application.

A Committee Member commented that they were familiar with the site, and had been aware of customers experiencing difficulty taking trolleys between the store and car park due to the kerb; they stated that they believed storing trolleys in the proposed designation site would be beneficial in reducing this.

The Committee **RESOLVED**:

1. To designate 112 Brighton Road, Coulsdon, CR5 2NB for the purposes of street trading.
1. To grant a street trading licence to the Applicant.

The Committee considered the application to designate a section of public highway outside **133 Wickham Road, Shirley, CR0 8TE (Appendix C)**.

The Head of 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 queried whether the designation would allow for the placement of an A-board. The Head of Licensing informed the Applicant that this was not a licensable activity, would not be covered by a street trading designation and would need to be pursued through Planning.

In response to a Member's question about whether shisha would be used within the designation, the applicant responded that it would be. In response to whether this would be acceptable, the Head of Licensing responded that it was, and as a tobacco product it must be used outside, either in the designated area, or in the premises' rear outdoor space.

In response to a Member's question, the Head of Licensing responded that they were happy with the distance of the designation from a nearby bike rack and it exceeded the distance required on TfL maintained highway, and that it was diagonal in relation to the designation. The Head of Licensing reminded the Committee that if the footpath layout changed meaning that it was having a detrimental impact on the ability of the public to have safe and convenient passage on the footpath then street trading designations could be considered for reduction in size, or revocation.

The Committee **RESOLVED**:

1. To designate 133 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 **24-26 London Road, Croydon, CR0 2TA (Appendix D)**.

The Head of 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 was within a Saturation Area, and there were six nearby designations shown on page 63 of the agenda. 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's representative was present and offered to respond to any questions members may have but declined to provide further comment on the application.

A Member stated that they were concerned by the closeness of the site to a bus stop. In response to a query about whether the business normally closed at 23.00, the Applicant's representative responded that it usually closed at 21.00.

A Member stated that the photographs provided in the agenda did not give a good indication of the designation's clearance from the bus stop, Members were referred to and the Market and Street Trading Compliance Officer responded that the clearance was larger than two metres.

The Chair requested clarification on the impact of the Saturation Area on the application and the history regarding the introduction of the policy. The Head of Licensing stated that the Saturation Area did not mean that the application should not be granted as each application must be considered on its individual merits. The Market and Street Trading Compliance Officer stated that the policy had been in effect from 2009 due to a large proliferation of the number of mobile phone kiosks outside a variety of shops at that time; many had since ceased trading. The Legal Advisor informed the Committee that when considering whether to grant the current application they should consider whether the granting of the designation would have a detrimental impact on safe and convenient passage of pedestrians in that part of the street and this would include considering the overall impact to the street scene and how this affected the ability of pedestrians to use the footpath when making their decision.

A Member queried whether the Saturation Area should be revisited, and the Chair stated that this was not a decision that should be taken during this committee. The Chair stated that if there were issues with distance between the designation and the bus stop they would likely have come up under the temporary license, and that none had. A Member informed the Committee that there was a designation nearby that was also close to a bus stop, and it did not seem to cause any problems

The Committee **RESOLVED**:

1. To designate 24-26 London Road, Croydon, CR0 2TA 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 **83 Thornton Road, Thornton Heath, CR7 6BD (Appendix E)**.

The Head of 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. TFL had sent representations to the original application as they had felt it did not leave enough clear footpath. The applicant had reduced the designation being applied for and TFL had retracted their representation. No other representations had had been received.

The section of highway in question was TFL maintained.

The Applicant was present and offered to respond to Members queries but declined to provide further comment on the application.

A Member stated that the designation obscured the Thornton Road road sign. The Head of Licensing stated that TfL had not had an issue with this but that it would be raised with them. Members noted that the sign was in an unusual position as it was not raised or even situated on the corner of the road.

A Member informed the Committee that they felt the designation would bring character to that part of the road.

The Committee **RESOLVED**:

1. To designate 83 Thornton Road, Thornton Heath, CR7 6BD 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 **15-17 Croham Road, South Croydon, CR2 7PB (Appendix B)**.

The Head of 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 relation to the layout of the footpath on which the proposed designation site was located, the Vice-Chair stated that they were familiar with the shop, as they were a regular customer; they also informed the Committee that the

public highway narrowed after the property, as it changed from commercial properties to residential, which had the effect of the shop being set back from the street scene.

In response to a query from a Councillor about whether the bin present in the picture on page 39 of the agenda was owned by the business, and if so where it would be stored once the designation was in effect, the Market and Street Trading Compliance Officer informed the committee that it would stay in situ with some clearance from the designation, as there was no other viable storage.

A Councillor commented that it was a shame there were no pictures available of the designation in use, as it was difficult to tell the quality and size of the proposed display. The Market and Street Trading Compliance Officer commented that the display would need to be narrow as it would need to be stored in the property at night.

The Committee **RESOLVED**:

1. To designate 15-17 Croham Road, South Croydon, CR2 7PB for the purposes of street trading.
2. To grant a street trading licence to the Applicant.

The Committee considered the application to vary the designation to a section of public highway outside **43-245 Lower Addiscombe Road, Croydon, CR0 6RD (Appendix F)**.

The Head of Licensing introduced the item, explaining the process of varying designation for street trading, applying for street trading licences and the details of the application before the Committee. The new occupier of the premises wished to display fruit and vegetables alongside chairs and tables; the previous designation had been for household goods. 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.

The Committee **RESOLVED**:

1. To vary the designation outside 43-245 Lower Addiscombe Road, Croydon, CR0 6RD.
2. To grant a variation to the street trading licence for the Applicant.

7/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 19.24

Signed:

Date:

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Public Document Pack Agenda Item 4

Licensing Sub-Committee

Meeting held on Thursday, 28 May 2020 at 10.30 am remotely via Microsoft Teams.

MINUTES

Present: Councillor Pat Clouder (Chair);
Councillors Karen Jewitt and Michael Neal

Also Present: Michael Goddard (Licensing Manager)
Jessica Stockton (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)
Eddie Adjei (Pollution Officer)

PART A

53/20 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.
Councillor Michael Neal seconded the motion.

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

54/20 **Apologies for Absence**

There were none.

55/20 **Disclosure of Interests**

There were none.

56/20 **Urgent Business (if any)**

There were no items of urgent business.

57/20 **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.

58/20 **Licensing Act 2003: Application for a Variation to a Premises Licence**

On 28 May 2020 the Licensing Sub-Committee considered the Application for Variation to a Premises Licence at **243-245 Lower Addiscombe Road, Croydon, CR0 6RD** the representations received as contained in the report of the Executive Director 'Place' and the additional written representations made by the Applicant and the Noise Pollution team.

The Sub-Committee also considered the verbal representations from the Noise Pollution team, the Applicant and the Applicants' representative at the hearing.

The Sub-committee noted that, following discussions with the Police licensing officer, the applicant has amended their application to have the requested start time for the sale alcohol as 9am, rather than the 8am as specified in the variation application and to have the terminal hour as 2330 hours Monday to Thursday and midnight on Friday & Saturday.

In addition, the applicant has amended their application to have the following conditions added to the licence if the application is granted:

- Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours.
- Food will be available at all times that sale of alcohol is authorised up to 30 minutes before close. Alcohol will be ancillary to food.

During the course of the hearing the Applicant further amended their application to include a condition regarding the re-siting of the speakers in the premises and in relation to the audibility of music outside the premises, namely:

- Speakers to be mounted and sited at least 50cm away from the ceiling; and
- The Premises License holder shall aim to ensure music from the premises is not audible outside the premises.

The Sub-Committee, having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S182 of the Act and the Council Licensing Policy the Sub-Committee and the

amendments to the application have **RESOLVED** to **GRANT** the variation as amended by the Applicant and detailed above on the basis that the Sub-Committee is satisfied that it would support the Licensing Objectives to do so.

The Sub-Committees reasons were as follows:

1. The noise complaints which lead to the noise team to make representations fell broadly into two categories – construction noise and complaints about loud music. The Sub-Committee were more concerned with the latter than the former given the potential link to licensable activities.
2. There were a number of complaints but these stemmed from a small number of complainants who had also involved other responsible authorities, including the Fire Brigade and Council's Anti-social Behaviour Team and the Police.
3. The Police, as detailed above, had agreed conditions with the Applicant and the Applicant had amended their application to include those conditions and a reduction in proposed hours of sale of alcohol should the Sub-Committee be minded to grant the application.
4. Although one of the complaints had led to an informal warning, the noise pollution team had not observed noise nuisance of a nature which would constitute a statutory nuisance. There were however still some complaints which were subject to investigation.
5. The premises in question is located on a normally busy A Road although there are residential units above the premises.
6. The music played in the shop was incidental to the other activities taking place within the premises and was not a licensable activity in the current circumstances.
7. When the noise team had previously requested the Applicant to turn down music when concerns had been raised, this was actioned by the Applicant and the Applicant has amended their application to take account of concerns about the siting of the speakers against the ceiling as well as potential volume impacts.
8. Insufficient evidence was provided to the Sub-Committee indicate that the proposed variation would result in noise nuisance contrary to the prevention of public nuisance objective (as opposed to the generation of complaints which may or may not be substantiated) and the Sub-Committee were mindful that where an Applicant fails to adhere to a condition on his license this could constitute a criminal offence and/or trigger a review of the premises license by responsible authorities or other persons as defined under the Act.

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59/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 11.31 am

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Tuesday, 23 June 2020 at 10.30 am in Microsoft Teams.

MINUTES

Present: Councillor Pat Clouder (Chair)

Councillors Pat Clouder, Karen Jewitt and Michael Neal

Also

Present: Michael Goddard (Licensing Manager)
Butta Singh (Solicitor and Legal Advisor to the Sub-Committee)
Mohammed Patel (Trainee Solicitor)
Thomas Downs (Democratic Services)

PART A

60/20 **Appointment of Chair**

Councillor Karen Jewitt nominated Councillor Pat Clouder as Chair.
Councillor Michael Neal seconded the motion.

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

61/20 **Apologies for Absence**

There were none.

62/20 **Disclosure of Interests**

There were none.

63/20 **Urgent Business (if any)**

There were no items of urgent business.

64/20 **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.

65/20 **Licensing Act 2003 - Application for a Premises Licence**

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 Stoa's Nest Road, Coulsdon, CR5 2JJ** along with the representations and additional information received, as contained in the report and supplementary agendas of the Executive Director 'Place'.

After considering the information received along with hearing from the Applicant and Other Persons at the meeting, the Sub-Committee having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S.182 of the Act and the Council's Statement of Licensing Policy, **RESOLVED** to **GRANT** the premises licence application.

The application has been granted with the following amendments, as the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

- i) Amendments to the application/conditions, as agreed by the applicant
 - Condition 9 within the 'Proposed Conditions' on page 57 of the agenda is amended to read 'No in-person sales will be made and no members of the public shall be permitted to enter the premises to purchase alcohol. All purchases will be by delivery only.'
- i) Additional condition, as agreed by the applicant
 - 'Only Vermouth shall be sold or supplied from the premises.'

Reasons for the decision;

The Sub-Committee, took into account the following reasons, when making their decision:

1. The additional information provided by the Applicant assisted the Sub-Committee in clarifying any misconception as to actual nature of the application, proposed activity and the level activity that was intended
2. It was noted that the Police had withdrawn their representation, following discussions and agreed conditions with the applicant
3. The concerns raised by the Other Persons as to the title deeds and restrictive covenants were not relevant factors that the Sub-Committee could consider within the remit of the licensing regime, as their decision making is confined to the licensing objectives. It was felt that this issue was, if anything, a planning matter, which was explained is a separate regulatory process.
4. In relation to the concerns raised as to possibility of public nuisance, in terms of smells and/or any odours from the production of the Vermouth or any safety concerns arising from the public safety objective, the Sub-Committee noted that the Other Persons were previously unaware of any Vermouth being produced at the premises before the application, even though the applicant had confirmed that he had been making it for his own purposes for some considerable time before the application was submitted. The level of proposed production and the quantity that was to be sold was also noted with regards to the extent of any possible negative impact on either of the licensing objectives, which surrounded the central issue as to the licensing of alcohol sales.
5. The remaining concerns raised that could be considered as impacting on the licensing objectives, relating to possible Crime from the front and rear of the premises, CCTV and any signage outside the premises were not considered as being sufficiently serious and/or did not attract the weight of evidence or the level of concern to deem it appropriate to either consider refusing the application or to attach or amend any relevant conditions to the proposed licence.

It is for the reasons, as set-out above, that the Sub-Committee approved the application having regard to the promotion of the four licensing objectives.

Public Informative:

- i) Planning Informative; It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regards to any future planning application or permission, which may be made or sought by the applicant.

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- ii) Limitation of the premises licence; The applicant was advised at the meeting that the grant of his premises licence application only authorises alcohol sales from taking place at his premises only. The applicant was informed that any sales taking place away from the premises would require a separate authorisation. As such the applicant was informed that he would need to determine whether any other premises or venue that he is wanting to sell his Vermouth from, either has the appropriate permission to allow such sales, otherwise he would need to consider applying for a Temporary Event Notice.

66/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 12.04 pm

Signed:

Date:

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Licensing Sub-Committee

Meeting of held on Tuesday, 18 August 2020 at 10.30 am in This meeting is being 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)
Butta Singh (Solicitor and Legal Advisor to the Sub-Committee)
Thomas Downs (Democratic Services)

PART A

67/20 **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.

68/20 **Apologies for Absence**

There were none.

69/20 **Disclosure of Interests**

There were none.

70/20 **Urgent Business (if any)**

There were no items of urgent business.

71/20 **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.

72/20 **Licensing Act 2003 - Application for a Premises Licence - 74 Lower Addiscombe Road, Croydon, CR0 6AB**

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 **74 Lower Addiscombe Road, Croydon, CR0 6AB** along with the representations and additional information received, as contained in the report and appendices of the Executive Director 'Place'.

After considering the information received along with hearing from the Applicant and Licensing Service at the meeting, the Sub-Committee having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S.182 of the Act and the Council's Statement of Licensing Policy, **RESOLVED** to **GRANT** the premises licence application.

The application has been granted with the following amendments, as the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

Amendments to the application/conditions, as agreed by the applicant

- Condition 3 within the 'Proposed Conditions' on page 63 of the agenda is amended to read; 'A CCTV system shall be installed and maintained to comply with Home Office Requirements. CCTV will cover all entrances/exits and the internal areas of the premises. Recordings shall be stored for a minimum of 31 days and CCTV images shall be provided to Police or Council Officers on request.'
- Condition 9 within the 'Proposed Conditions' on page 63 of the agenda is amended to read; 'Between Sunday to Thursday the venue will close its doors to the public at midnight and will only operate from the rear of the premises as a 'take-away delivery' outlet until 0200hrs. After midnight on these specified days of the week no members of public will be permitted on the premises.'

Reasons for the decision;

The Sub-Committee, took into account the following reasons, when making their decision:

1. The additional information, as discussed at the meeting, which provided the Sub-Committee with the necessary clarity as to how the premises has operated previously and it's proposed operation and management with regards to providing Late Night Refreshment, particularly in relation to when it will be operating and providing a delivery service only.
2. It was noted that the Police had withdrawn their representation, following discussions and the agreed conditions with the applicant. The Sub-Committee slightly amended condition 3 to ensure the rear of the premises would continue to be covered by CCTV and condition 9 was amended to ensure there was complete clarity as to how the premises would operate from Sunday to Thursday.
3. With regards to operation of the Premises on a Friday and Saturday, Mr Goddard from the Council's Licensing Service clarified that given what had been outlined in the operating schedule (on page 50 of the agenda), the premises will be operating a delivery service only from 01:00 hours. As such the Sub-Committee did not feel they needed to add an additional condition as to same and were satisfied that a condition, as to this effect, will included in any licence issued by the Licensing Service.
4. The concerns raised by the Other Person was considered within the remit of the licensing regime, in terms of whether the licensing objectives would be undermined by the granting of the application. However, it was felt that the measures that have been and will be put in place by the applicant were appropriate and sufficient in the circumstances.

It is for the reasons, as set-out above, that the Sub-Committee approved the application, with the amendments as set-out above, having regard to the promotion of the four licensing objectives.

Public Informative:

It should be noted for the public record that the applicant did confirm that wherever possible electric/small vehicles will only be used for deliveries to prevent any nuisance being caused to residents in the area. The applicant also confirmed that he will look into and discuss with the landlord as to any improved low level lighting being installed to the rear of the premises.

Licensing Act 2003 - Application for a Premises Licence - 1447 London Road, Norbury, SW16 4AQ

Councillor Pat Clouder and Councillor Karen Jewitt declared that the objector to this item was known to them from their duties as Ward Councillors; both Councillors stated that this would not prejudice their decision on this application.

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 **1447 London Road, Norbury, SW16 4AQ** along with the representations and additional information received, as contained in the report and appendices of the Executive Director 'Place'.

After considering the information received along with hearing from the Applicant, Other Person and Licensing Service at the meeting, the Sub-Committee having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S.182 of the Act and the Council's Statement of Licensing Policy, **RESOLVED** to **GRANT** the premises licence application.

The application has been granted with the following amendments, as the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

i) Amendment to the application/conditions, as agreed by the applicant

- Condition 8 within the 'Proposed Conditions' on page 113 of the agenda is amended to read 'Food will be available at all times that the sale of alcohol is authorised, which is up to 30 minutes before the premises is to close. All alcohol sales (both on and off) will be ancillary to substantial food and/or a food order, of more than a nominal value, being ordered from the menu.'

ii) Additional condition, as agreed by the applicant

- There shall be no vertical drinking at the premises and any alcohol sales to seated patrons within the premises shall be by table service only

Reasons for the decision;

The Sub-Committee, took into account the following reasons, when making their decision:

1. The additional information, as discussed at the meeting, which provided the Sub-Committee with the necessary clarity as to how the premises has operated previously and its proposed operation and management with regard to a café/delicatessen/restaurant.
2. It was noted that the Police and the Council's Food & Safety Team had withdrawn their representation, following discussions and the agreed conditions with the applicant.
3. The Sub-Committee amended condition 8 to ensure the operation of the premises, given the concerns raised by the Other Person, would not undermine licensing objectives and/or negatively impact on the cumulative impact policy.
4. In granting this application, the Sub-Committee felt that the measures that have been and will be put in place by the applicant were appropriate and sufficient in the circumstances and believed that along with type and style of the premises (as in how it will operate), the conditions to be imposed and the hours of operation, the granting of 'off-sales' of alcohol would not add to negative cumulative impact that is currently being experienced in the area.

It is for the reasons, as set-out above, that the Sub-Committee approved the application, with the amendments as set-out above, having regard to the promotion of the four licensing objectives.

74/20 **Licensing Act 2003 - Application for a Premises Licence - 1451 London Road, Norbury, SW16 4AQ**

Councillor Pat Clouder and Councillor Karen Jewitt declared that the objector to this item was known to them from their duties as Ward Councillors; both Councillors stated that this would not prejudice their decision on this application

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 **1451 London Road, Norbury, SW16 4AQ** along with the representations and additional information received, as contained in the report and appendices of the Executive Director 'Place'.

After considering the information received along with hearing from the Applicant, Other Person and Licensing Service at the meeting, the Sub-Committee having reference to the licensing objectives under the Licensing Act 2003 ("the Act"), the statutory guidance issued under S.182 of the Act and

the Council's Statement of Licensing Policy, **RESOLVED** to **GRANT** the premises licence application.

The application has been granted with the following amendments, as the Sub-Committee were satisfied that the Licensing Objectives would not be undermined;

i) Amendment to the application/conditions, as agreed by the applicant

- The Opening Hours on Sunday will be until 22:00 hours, with licensable activities ceasing at 21:30 hours.
- Condition 8 within the 'Proposed Conditions' on page 113 of the agenda is amended to read 'Food will be available at all times that the sale of alcohol is authorised, which is up to 30 minutes before the premises is to close. All alcohol sales (both on and off) will be ancillary to substantial food and/or a food order, of more than a nominal value, being ordered from the menu.'

ii) Additional conditions, as agreed by the applicant

- There shall be no vertical drinking at the premises and any alcohol sales to seated patrons within the premises shall be by table service only
- The rear of the premises is not to be used by patrons at any time.

Reasons for the decision;

The Sub-Committee, took into account the following reasons, when making their decision:

1. The additional information, as discussed at the meeting, which provided the Sub-Committee with the necessary clarity as to how the premises has operated previously and its proposed operation and management with regard to a café/restaurant.
2. It was noted that the Police had withdrawn their representation, following discussions and the agreed conditions with the applicant.
3. The Sub-Committee amended the opening hours and licensable activity hours for Sunday, as agreed with the applicant, in line with the planning permission.
4. The Sub-Committee amended condition 8 to ensure the operation of the premises, given the concerns raised by the Other Person, would not undermine the licensing objectives and/or negatively impact on the cumulative impact policy.

-
5. In granting this application, the Sub-Committee felt that the measures that have been and will be put in place by the applicant were appropriate and sufficient in the circumstances and believed that along with type and style of the premises (as in how it will operate), the conditions to be imposed and the hours of operation, the granting of 'off-sales' of alcohol would not add to negative cumulative impact that is currently being experienced in the area.

It is for the reasons, as set-out above, that the Sub-Committee approved the application, with the amendments as set-out above, having regard to the promotion of the four licensing objectives.

75/20 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 12.44 pm

Signed:

Date:

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REPORT TO:	LICENSING COMMITTEE 30 September 2020
AGENDA ITEM:	
SUBJECT:	London Local Authorities Act 1990 Application for Street Designation Order x5
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Councillor Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	South Norwood, Sanderstead, Shirley North, 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 sites detailed at Appendices A to E for the purposes of street trading and if designated to then determine whether to grant a street trading licence to each site.

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to seek the Committee's decision on the proposal to designate five sites in the Borough as 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 Appendices A to E to this report provide details of the designation applications. The applicants have been invited to attend the meeting.
- 3.4 If the sites outlined in Appendices A to E are 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 areas as outlined in Appendices A to E 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 All the applications were advertised in the Croydon Guardian and brought to the attention of the police, planning, highways or TfL (as applicable), parking services and the food & safety team.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 The effect of the decision

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

5.2 Risks

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

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

5.3 Options

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

5.4 Future savings/efficiencies

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

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

6. 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, Interim Head of Public Protection and Licensing, Place Department, ext. 61838.

BACKGROUND DOCUMENTS: None

APPENDICES:

Appendix A (Pages 35-48): Clocktower Market, Station Road, South Norwood, SE25

Appendix B (Pages 49-60): On the highway outside Marmaris Cafe, 75 Mitchley Avenue, South Croydon, CR2 9HN

Appendix C (Pages 61-86): On the highway outside 145 Wickham Road, Shirley, CR0 8TE

Appendix D (Pages 87-110): On the highway outside 147 Wickham Road, Shirley, CR0 8TE

Appendix E (Pages 111-126): On the highway outside Jalal Butcher's & Grocer's, 123 High Street, Thornton Heath, CRZ 8RZ

APPENDIX A

Applicant: Karen Eliatamby

Location: Clocktower Market, on the highway outside Aldi, Station Road, South Norwood, SE25

Measurements: The application seeks a trading area of length 60 metres and width 6 metres (in two separate rows of 3 metres width each with a clear width of 2 metres between the two rows for the movement of pedestrians), for the siting of individual stalls in market formation displaying/selling a range of goods. An area of public highway in this location measuring 37 metres length by 3 metres width was designated for the purposes of street trading by the licensing committee on 30 March 2016. The market currently operates and the existing stalls face against the shop front. As a larger area is now requested, a new designation application is required to be considered. The measurements would leave a minimum clear pavement width of 2m between the two rows of stalls. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2 metres.

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

Proposed Times of Trading:

Saturday 10am to 4pm

To Display: Stalls displaying/selling a variety of market goods including books, fruit & vegetables, takeaway food, homemade greetings cards, crafts, fresh bread, art work and flowers & plants.

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 objections/concerns have been received.
- 1.4 The measurements outlined above have been checked and agreed by a Compliance Officer during a site visit.

- 1.5 A temporary licence was made available to the applicant which is valid until 30.09.2020 or pending the committee's decision on the designation matter. A copy is attached as Appendix A4.
- 1.6 There is one other premises nearby already licensed for street trading. The relevant premises (2 Station Road) is marked on the map at Appendix A5.
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year.















CLOCK TOWER MARKET

PROPOSED LAYOUT

RED - 4 GARAGES (MGT. FOOD) 3M X 3M

PURPLE - 4 TABLES 4M X 3M

BROWN - 9 TABLES 3M X 3M

1:4 = 16m

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 NameKaren.....
- b) Last/Family Name ...Eliatamby.....
- c) Full Home Address of ApplicantLondon ?
- d) Home Tel Noe) Mobile Nof
- 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: ...CLOCKTOWER MARKET.....
- b) Trading Address:...OUTSIDE ALDI, STATION ROAD, SOUTH NORWOOD, SE25.....
- c) Business Tel No : ...N/A

3. DISPLAY AREA (see note C)

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

Length 60 metres Width 6 metres Height

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

Sunday: fromto Thursday: from..... to.....

Monday: from..... to..... Friday: from.....to

Tuesday: from..... to..... |Saturday: from.....10am ...to...4pm

Wednesday: from..... to.....

c) Type of goods or services to be displayed :...VARIED MARKET GOODS.....

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:

Karen Eliatamby

Date 27.01.2020

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

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

Office Use Only Uniform No:

Receipt No : Date received:.....

**TEMPORARY LICENCE –
STREET TRADING**

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

HEREBY LICENCE

KAREN ELIATAMBY

TO USE SITE KNOWN AS

CLOCKTOWER MARKET
18 Station Road
South Norwood
London
SE25 5AJ

TO DISPLAY

Varied Market Goods

SIZE OF DESIGNATED DISPLAY

Length 60 metres, Width 6 metres

PERMITTED DAYS & TIMES

Saturdays 1000 hours until 1600 hours

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

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

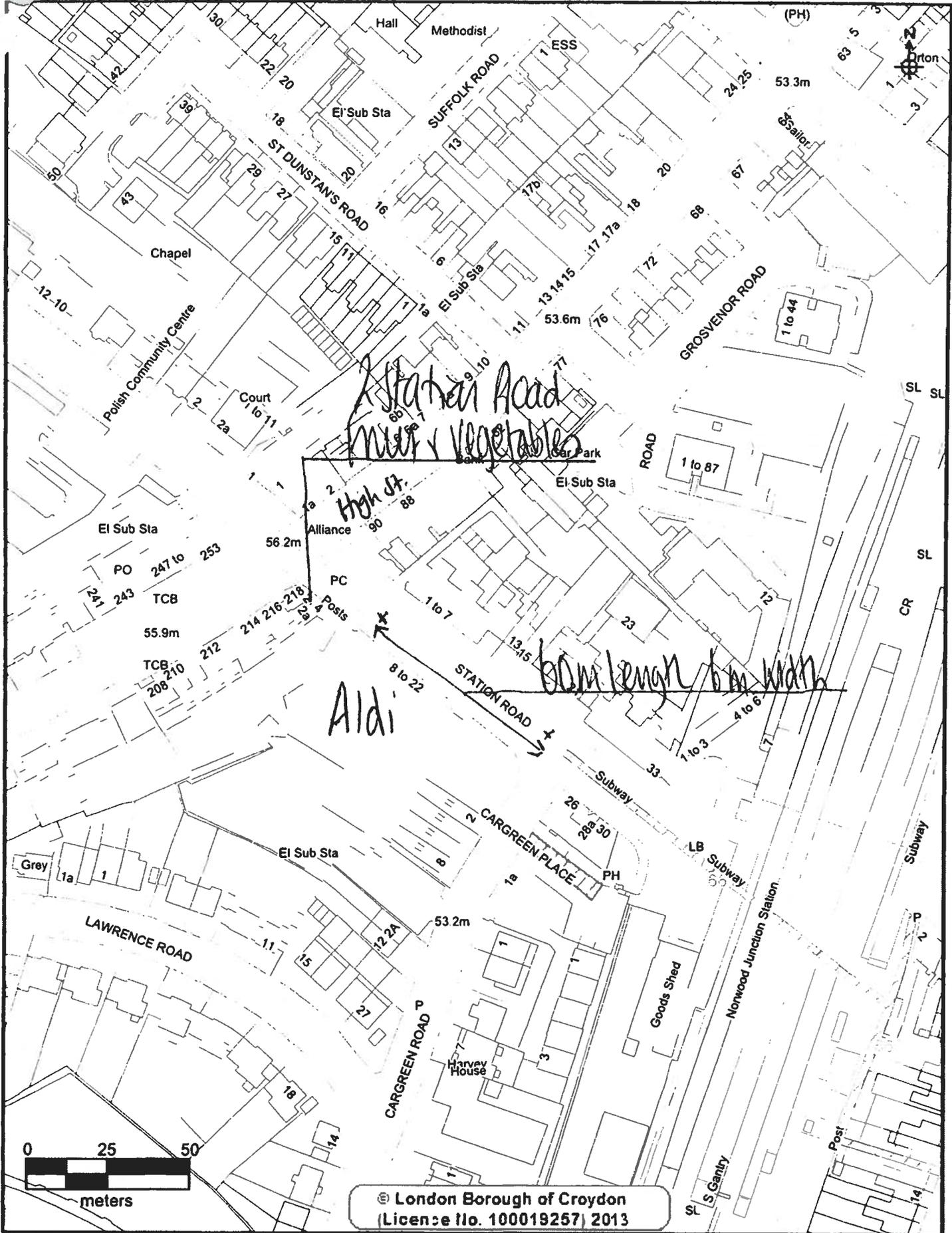
Date Licence Valid From: 31.01.2020

Date Licence Expires: 30.03.2020

Licence Number: 20/00391/STT



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





APPENDIX B

Applicant: Mr. Kenan Tezgel

Location: On the highway outside Marmaris Café, 75 Mitchley Avenue, South Croydon, CR2 9HN.

Measurements: The application seeks a trading area of length 1.80 metres (LHS) and 1.80 metres (RHS), width 0.60m on both sides and height 1m. This would leave a clear pavement width of 4.8 metres from the edge of the proposed display to the kerb. This area of highway is maintained by Croydon Council and the minimum required clear pavement width is 2 metres.

Appendix B1 shows photographs of the display and available pavement space. Appendix B2 is a diagram of the site with relevant measurements marked on it.

Proposed Times of Trading:

Monday to Saturday 7am to 4pm

Sunday 6.30am to 4pm

To Provide: Tables & Chairs

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix B3.
- 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 a Compliance Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 30.09.2020 or pending the committee's decision. A copy is attached at Appendix B4.
- 1.6 There are no other premises nearby already licensed for street trading.
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year





MARMARIS CAFE

BREAKFAST LUNCH DINNER



75

NAILS

0208 651 2512

0208 651 2512

BREAKFAST

LUNCH

DINNER

EAT IN OR TAKE AWAY

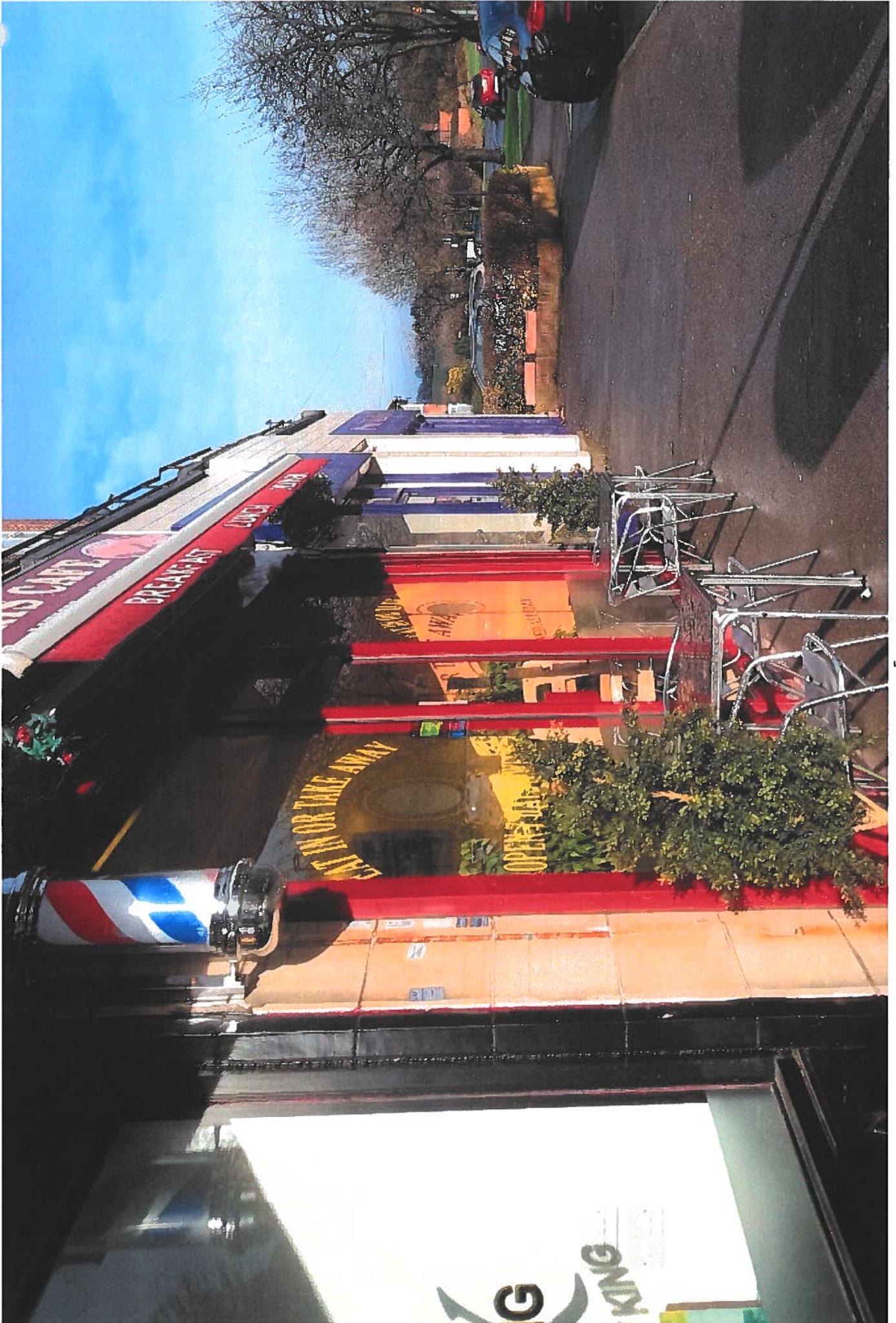
OPEN 7 DAYS A WEEK

BEAUTY KING

EAT IN OR TAKE AWAY

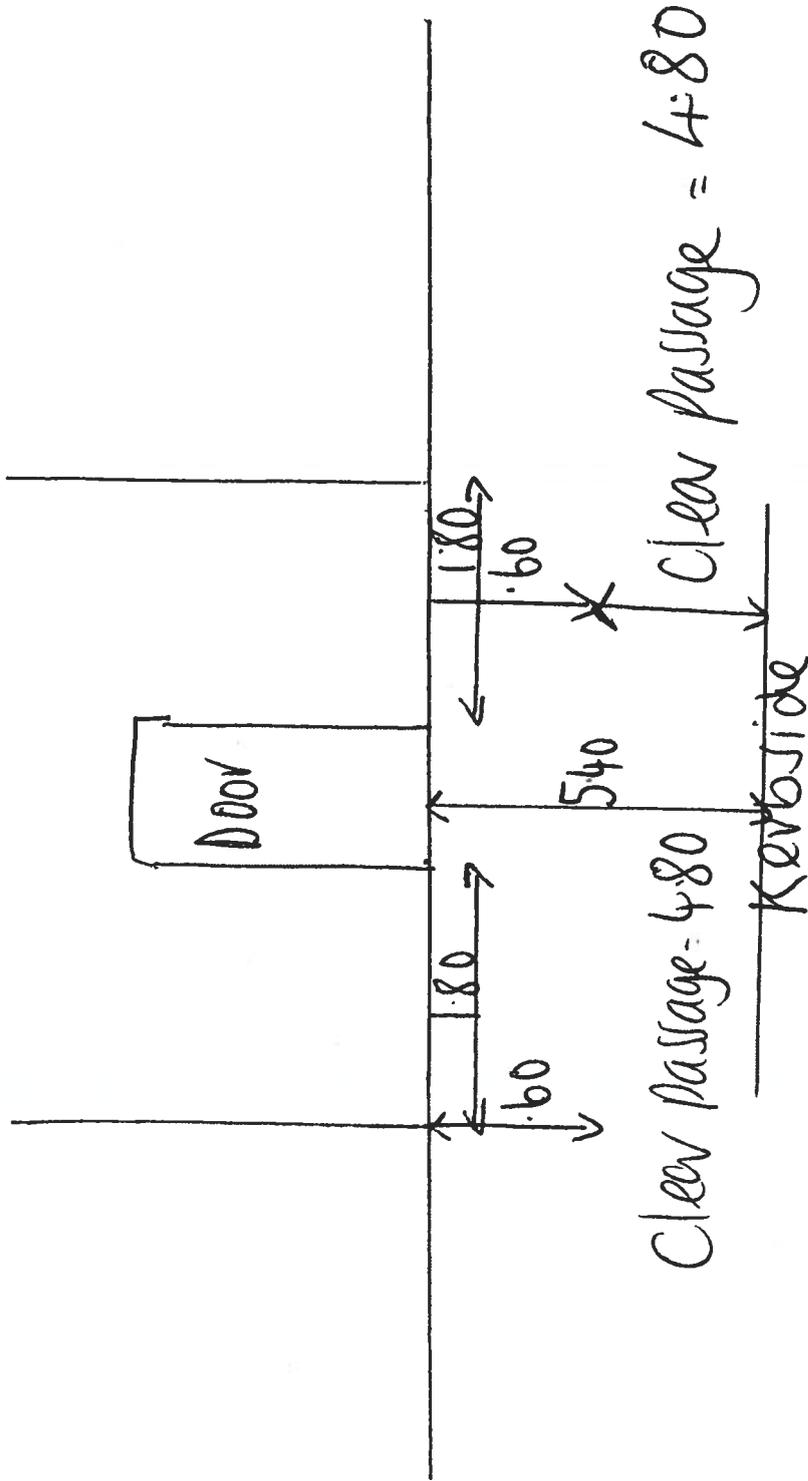
HOME COOKED MEALS SERVED





5

75 Mitchley Hill





~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

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 MR KENAN
- b) Last/Family Name TEZGEL
- c) Full Home Address of Applicant SURREY
- 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: MARMAKS CAFE LTD
- b) Trading Address: 75 MITCHLEY AVENUE PURLEY
SURREY CR2 9HN
- c) Business Tel No : 0208 6514747

3. DISPLAY AREA (see note C)

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

Length LH 1.80 Width LH 60 Height 1m = 2.16
RH 180 RH 60 SQM.

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

Sunday: from 6:30am to 4:00pm Thursday: from " to "

Monday: from " to " Friday: from " to "

Tuesday: from " to " Saturday: from 7:00am to 6:00pm

Wednesday: from " to "

(TABLES & CHAIRS)

EATING AREA for customers

c) Type of goods or services to be displayed :

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 29.10.19

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



**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 KENAN TEZGEL

TO USE SITE KNOWN AS

Marmaris Cafe Ltd.
75 Mitchley Avenue
South Croydon
CR2 9HN

TO DISPLAY

Tables and Chairs

SIZE OF DESIGNATED DISPLAY

Left Hand Side Length 1.80m, Width 60 cm
Right Hand Side Length 1.80m, Width 60 cm
Height 1 metre

PERMITTED DAYS & TIMES

Sunday - Friday 6:30 am - 4:00 pm
Saturday 7:00 am - 4:00 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: 29.10.2019

Date Licence Expires: 30.09.2020 – or on date of Committee Decision

Licence Number: 20/00384/STT



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



APPENDIX C

Applicant: Mr. David Rood

Location: On the highway outside 145 Wickham Road, Shirley, CR0 8TE.

Measurements: The application seeks a trading area of length 5 metres from the entrance door to the edge of the property. The actual application requests a length of 6 metres but this is not possible as that request also takes account of the entrance door. The application also seeks a width of 1.4 metres and a height of 0.7 metres. This would leave a clear pavement width of 2.3m from the edge of the proposed display to the nearest item of street furniture (the tree in the photograph). This area of highway is maintained by TfL and the standard minimum required clear pavement width is 2.8 metres but on this occasion, TfL have seen the application and are happy with the requested width measurement.

Appendix C1 shows photographs of the display and available pavement space. Appendix C2 is a diagram of the site with relevant measurements marked on it.

Proposed Times of Trading:

Monday to Saturday 6am to 10pm

Sunday 8am to 10pm

To Provide: Tables & Chairs

1. Detailed Considerations

- 1.1 A copy of the application is attached at Appendix C3.
- 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, TfL 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 a Compliance Officer during a site visit.
- 1.5 A temporary licence was made available to the applicant which is valid until 30.09.2020 or pending the committee's decision. A copy is attached at Appendix C4.
- 1.6 There are two other premises in the immediate vicinity already licensed for street trading. The relevant premises are marked on the map at Appendix C5.

-
- 
- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year

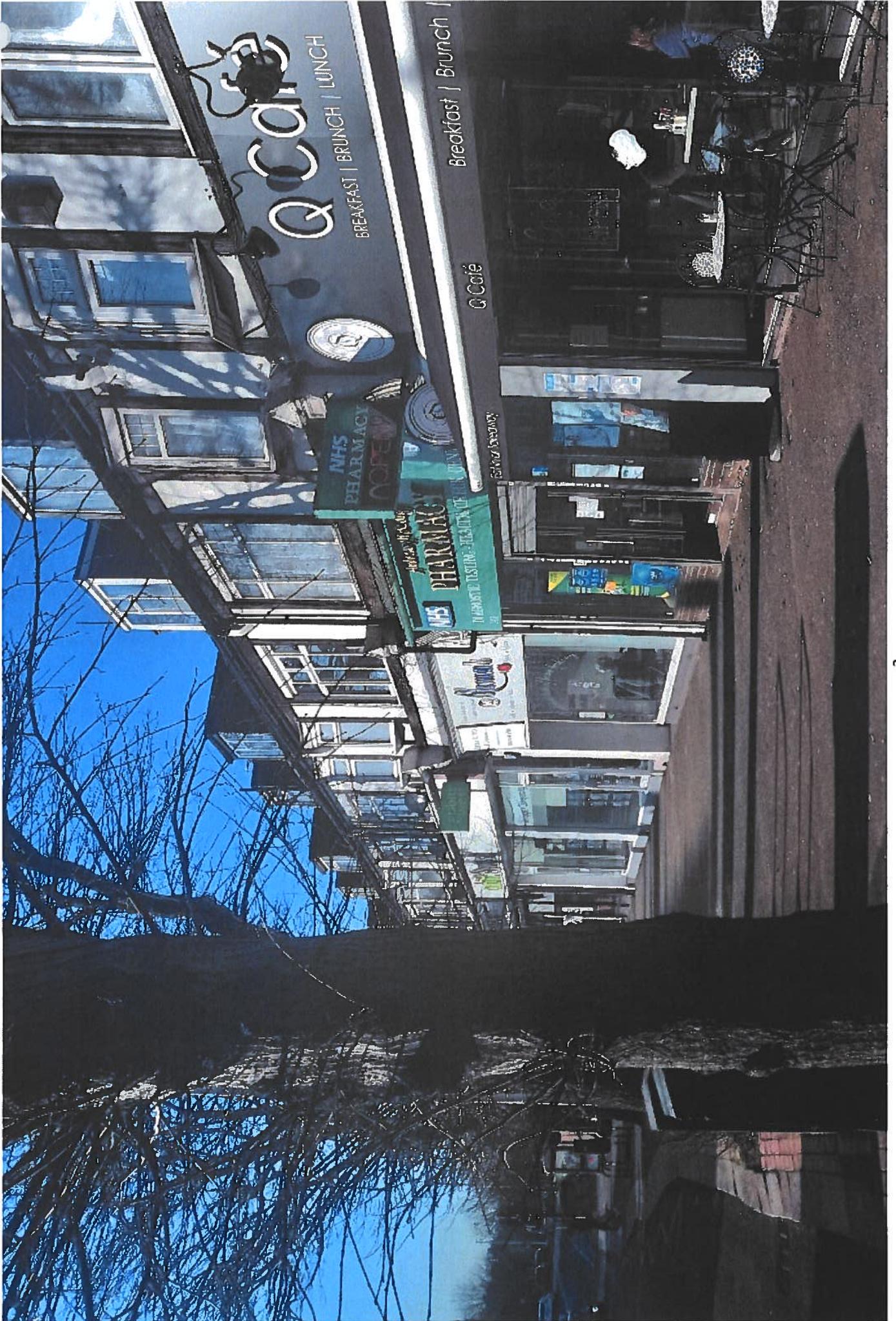
Subject: 145/14 / Wicknam road









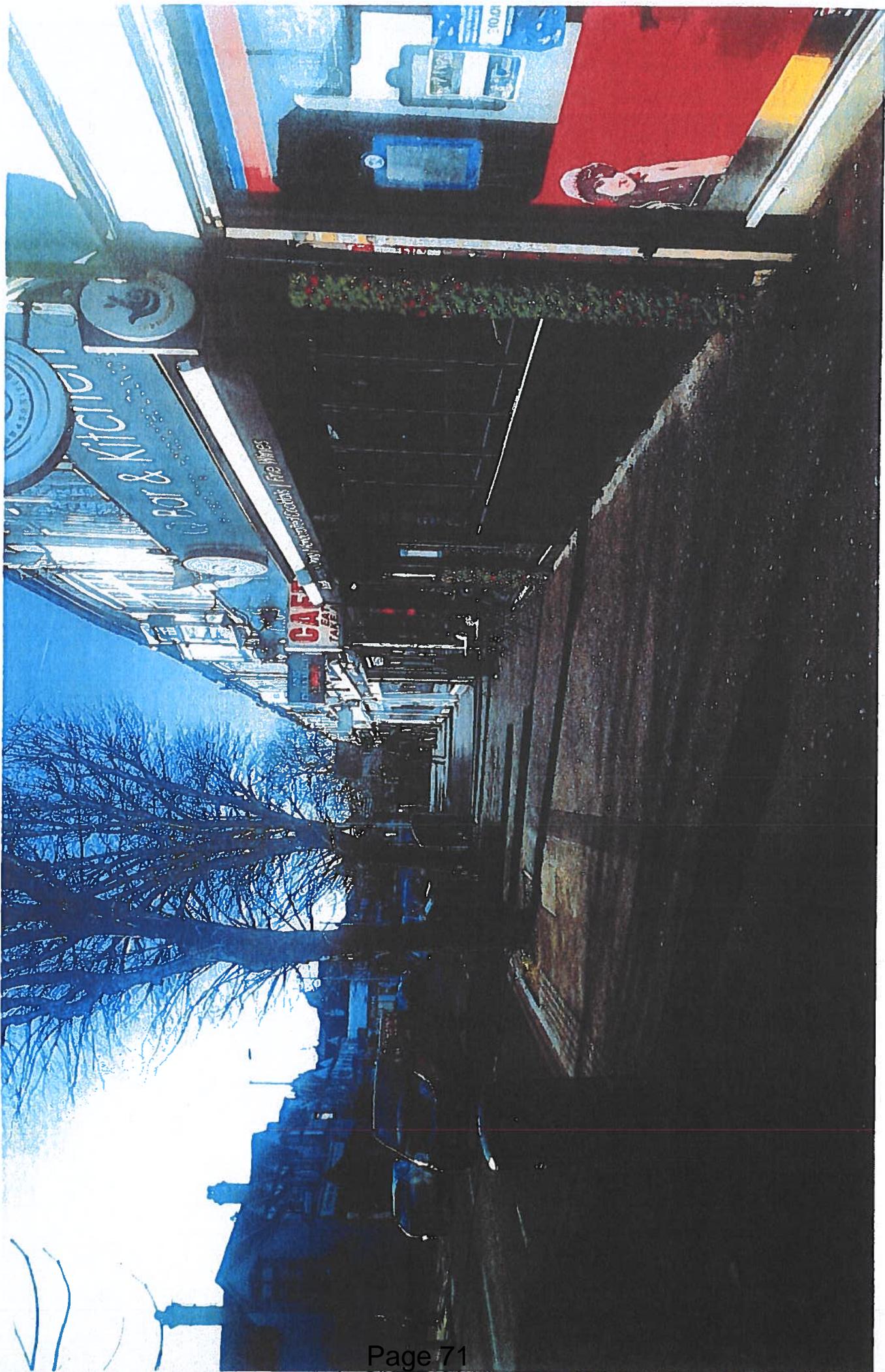


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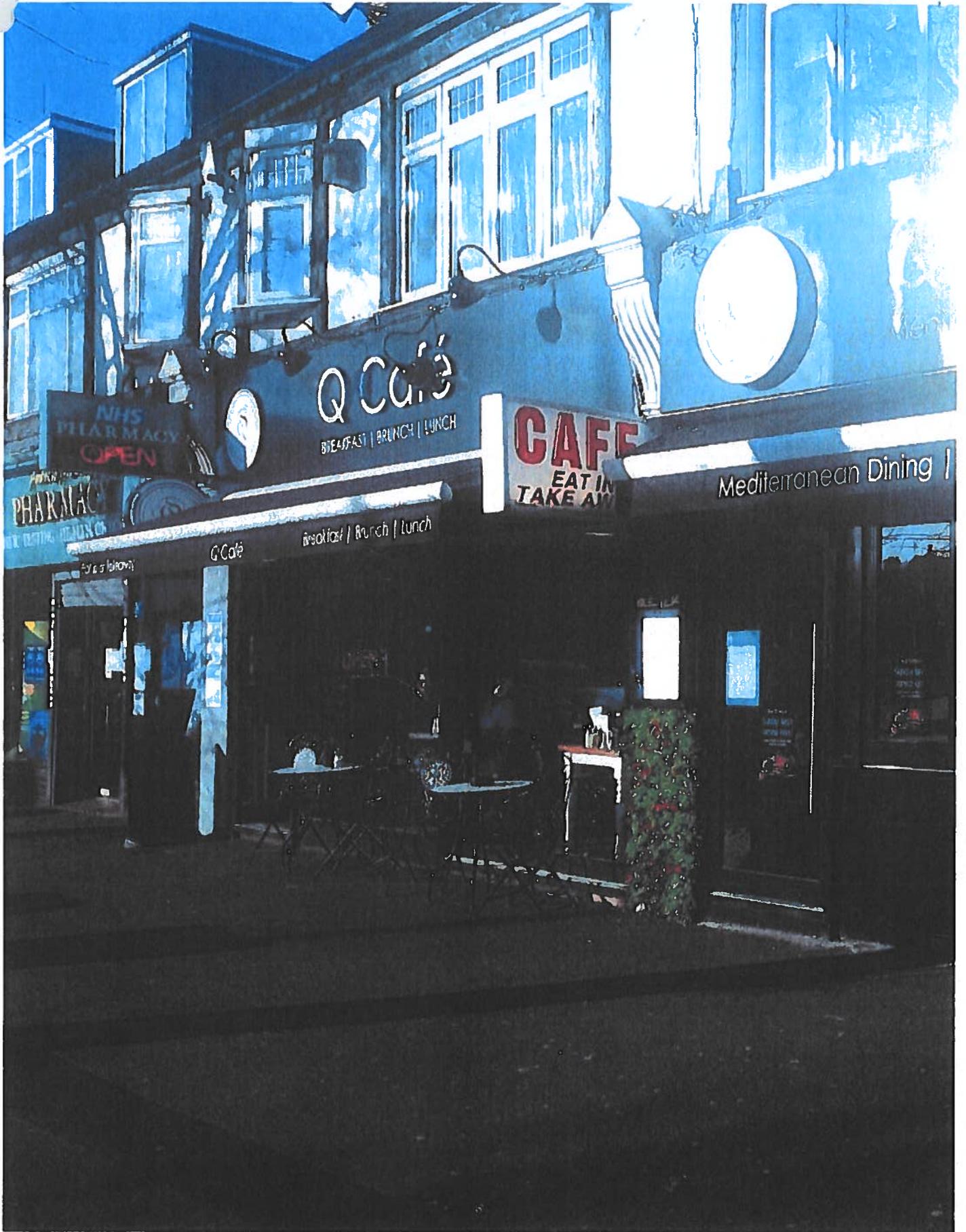
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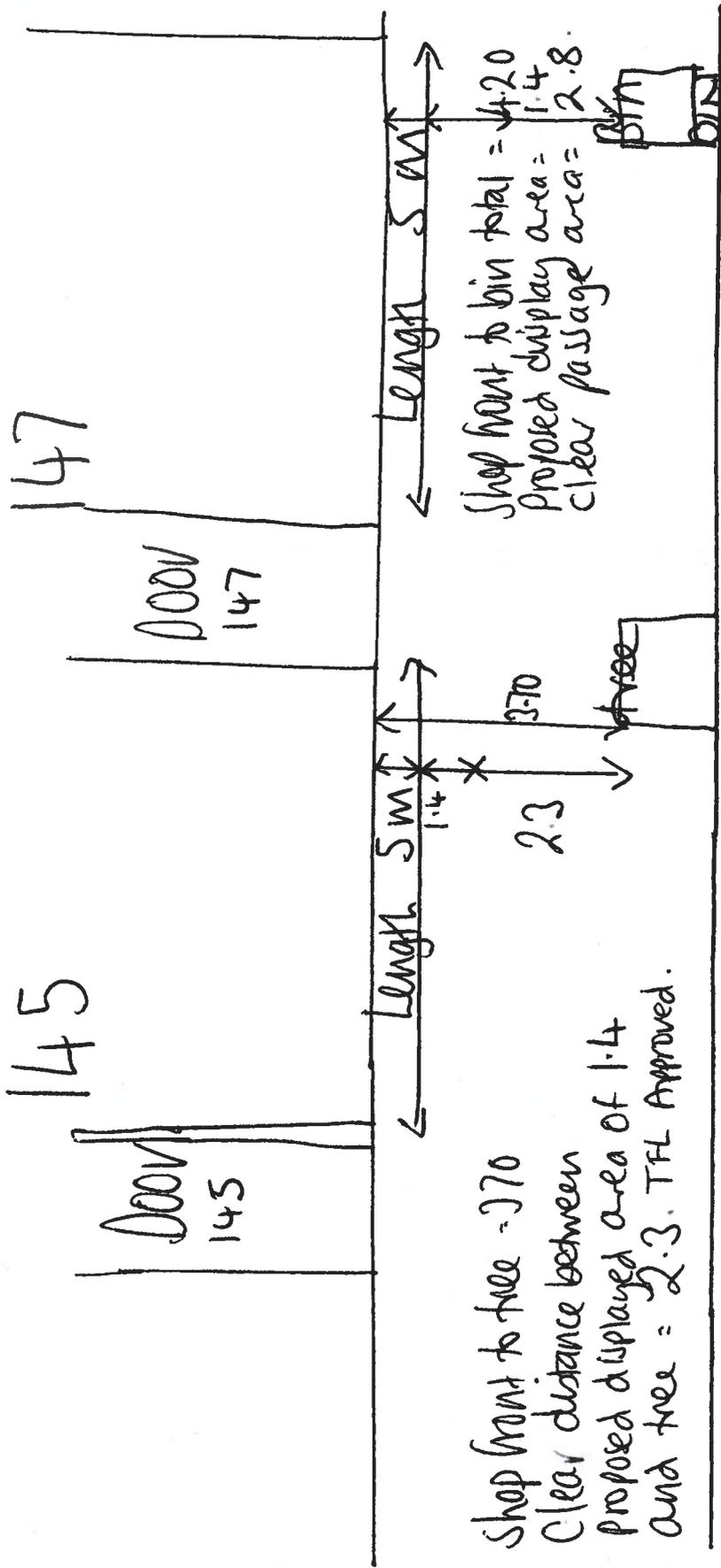












Wickham Road AFL Route

1.4 = width of display

1.4 = width display

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 DAVID
- b) Last/Family Name ROOD
- c) Full Home Address of Applicant
..... T KEST
- 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: Q CAFE
- b) Trading Address: 145 WICKHAM ROAD, CROYDON
..... CRO 8TE
- c) Business Tel No : 020 8655 2731

3. DISPLAY AREA (see note C)

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

Length 6 METRES Width 1.4 METRES Height 0.7 METRES

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 DAVID
- b) Last/Family Name ROOD
- c) Full Home Address of Applicant 111-113 WICKHAM ROAD
CROYDON
- d) Home Tel No e) Mobile No 02087605466
- f) E mail address: dr@rood.co.uk
- g) Date of Birth : 11/11/1977

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

- a) Trading Name of Premises: Q CAFE
- b) Trading Address: 145 WICKHAM ROAD, CROYDON
CRO 8TE
- c) Business Tel No : 020 8655 2731

3. DISPLAY AREA (see note C)

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

Length 6 METRES Width 1.4 METRES Height 0.7 METRES



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

Sunday: from 8 AM to 10 PM Thursday: from 6 AM to 10 PM

Monday: from 6 AM to 10 PM Friday: from 6 AM to 10 PM

Tuesday: from 6 AM to 10 PM Saturday: from 6 AM to 10 PM

Wednesday: from 6 AM to 10 PM

c) Type of goods or services to be displayed : TABLES AND CHAIRS

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch

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

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

c) Registration No

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

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

Office Use only Premises Licence No

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

I enclose a fee of £ 365.

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

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

 Date 30/10/19

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 DAVID ROOD****TO USE SITE KNOWN AS****Q Cafe**
145 Wickham Road
Croydon
CR0 8TE**TO DISPLAY**

Tables and Chairs

SIZE OF DESIGNATED DISPLAY

Length 6 metres, Width 1.4 metres, Height 0.7 metres

PERMITTED DAYS & TIMESMonday - Saturday 6:00 am - 10:00 pm
Sunday 8:00 am - 10:00 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: 30.10.2019**Date Licence Expires: 30.09.2020****Licence Number: 20/00325/STT**

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

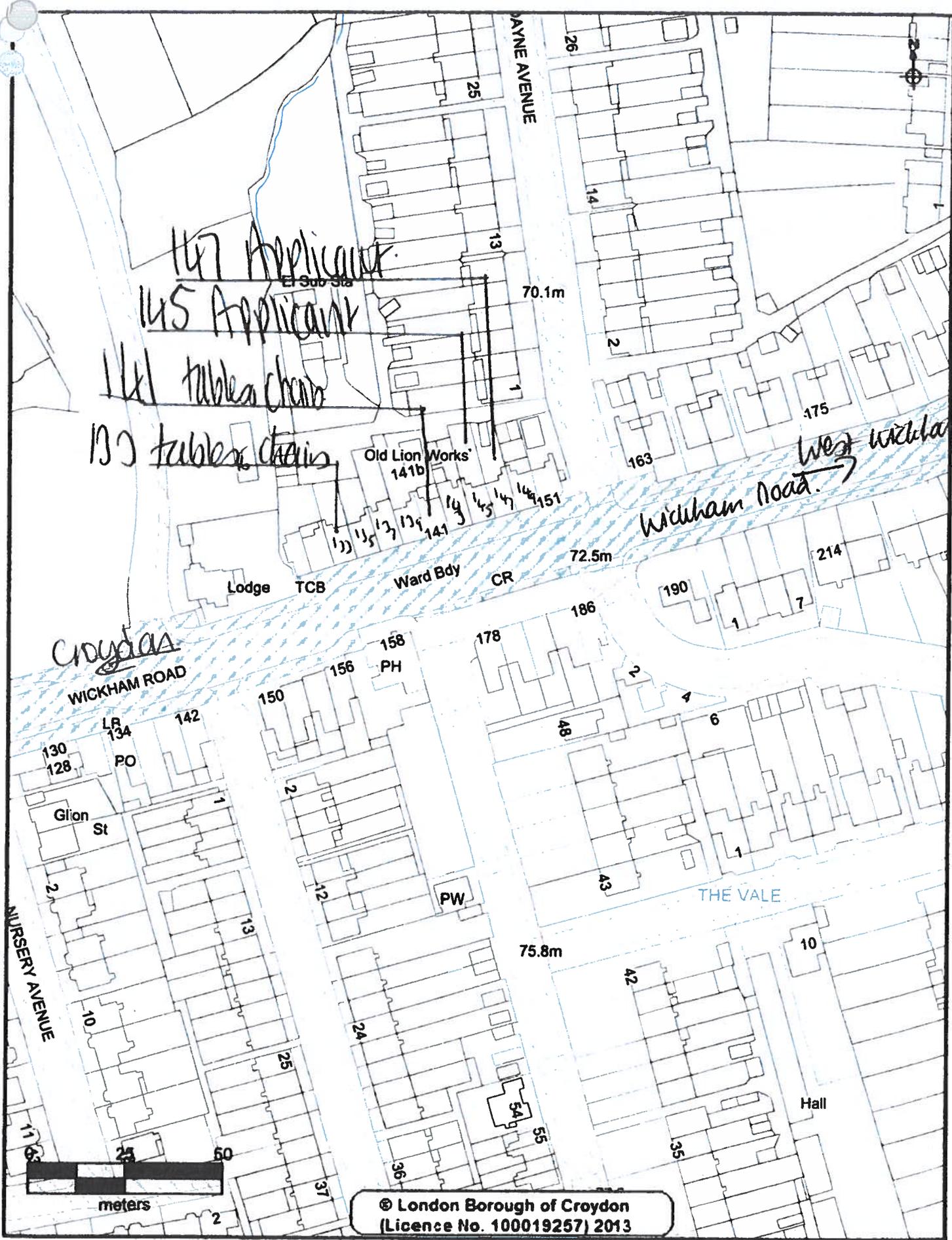


Licence Conditions

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. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.







APPENDIX D

Applicant: Mr. David Rood

Location: On the highway outside 147 Wickham Road, Croydon, CR0 8TE.

Measurements: The application seeks a trading area of length 5 metres from the entrance door to the edge of the property. The application also seeks a width of 1.4 metres and a height of 0.7 metres. This would leave a clear pavement width of 2.8m from the edge of the proposed display to the nearest item of street furniture (the waste bin in the photograph). This area of highway is maintained by TfL and the standard minimum required clear pavement width is 2.8 metres.

Appendix D1 shows photographs of the display and available pavement space. Appendix D2 is a diagram of the site with relevant measurements marked on it.

Proposed Times of Trading:

Monday 6am to 10pm
Tuesday to Saturday 6am to 11pm
Sunday 8am to 10pm

To Provide: Tables & Chairs

1. Detailed Considerations

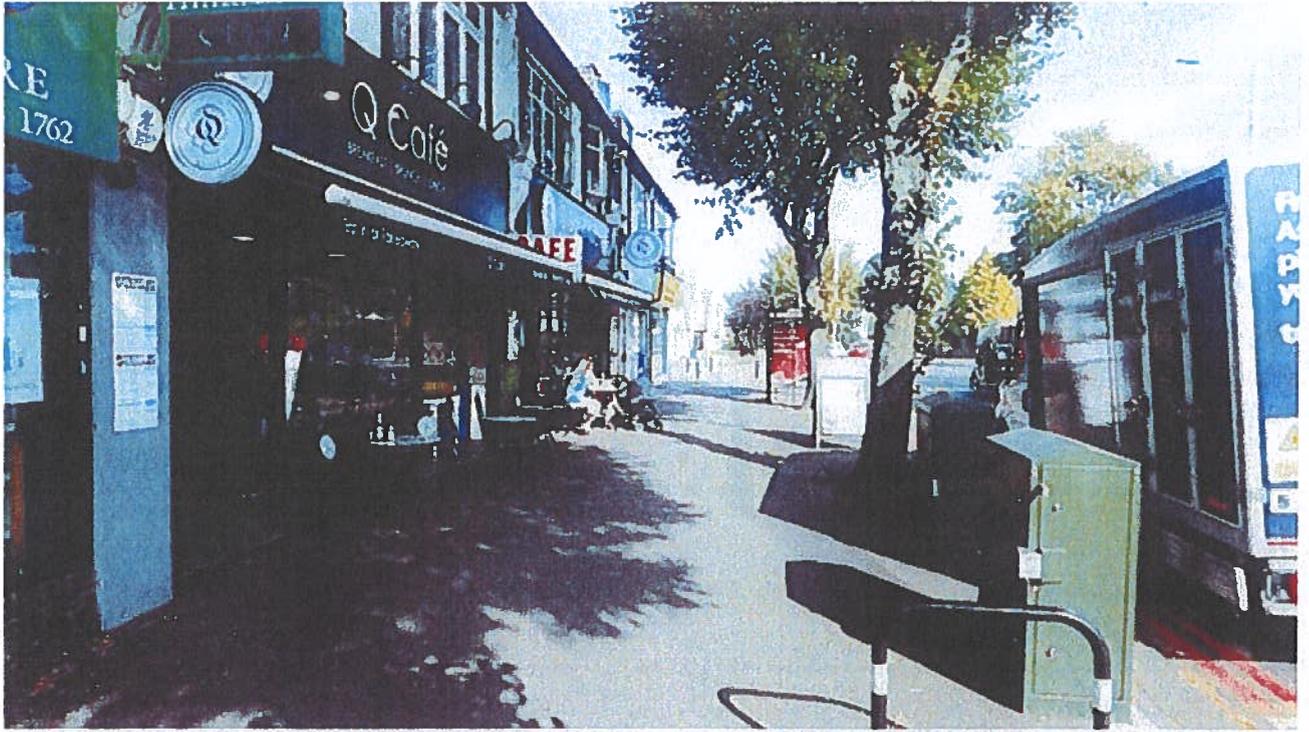
- 1.1 A copy of the application is attached at Appendix D3.
- 1.2 The application was advertised in the Croydon Guardian. No comments/objections have been received.
- 1.3 The Police Licensing Officer, Food Safety Team, Planning, TfL and Parking Services were invited to comment on this application. No 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 30.09.2020 or to the date of the committee's decision. A copy is attached at Appendix D4.
- 1.6 There are two other premises in the immediate vicinity already licensed for street trading. The relevant premises are marked on the map at Appendix D5.

- 1.7 If the application for a street designation order is granted the applicant will be invited to apply for a Street Trading Licence which will then be valid for a year

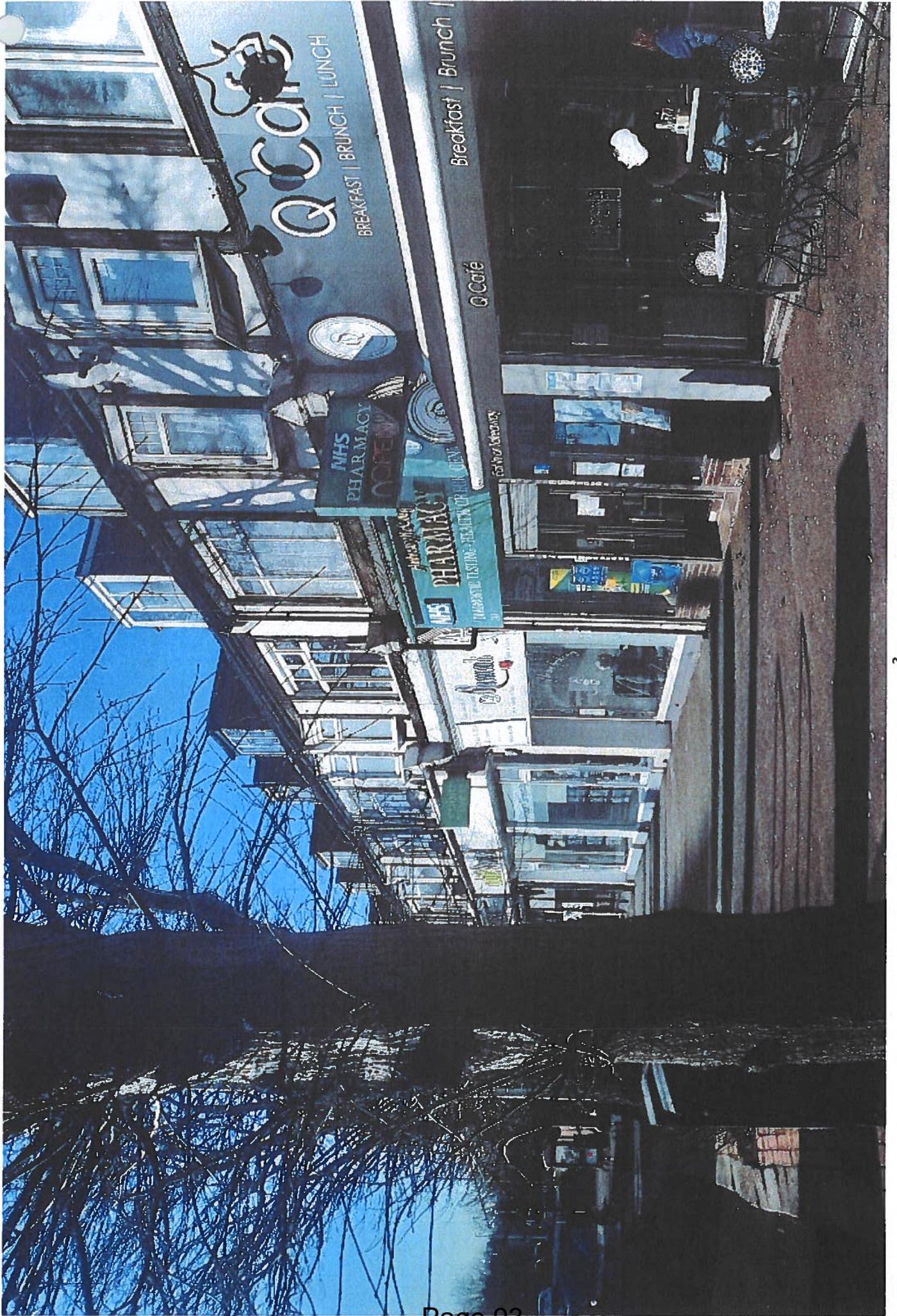
Subject: 145/14 / Wicknam road













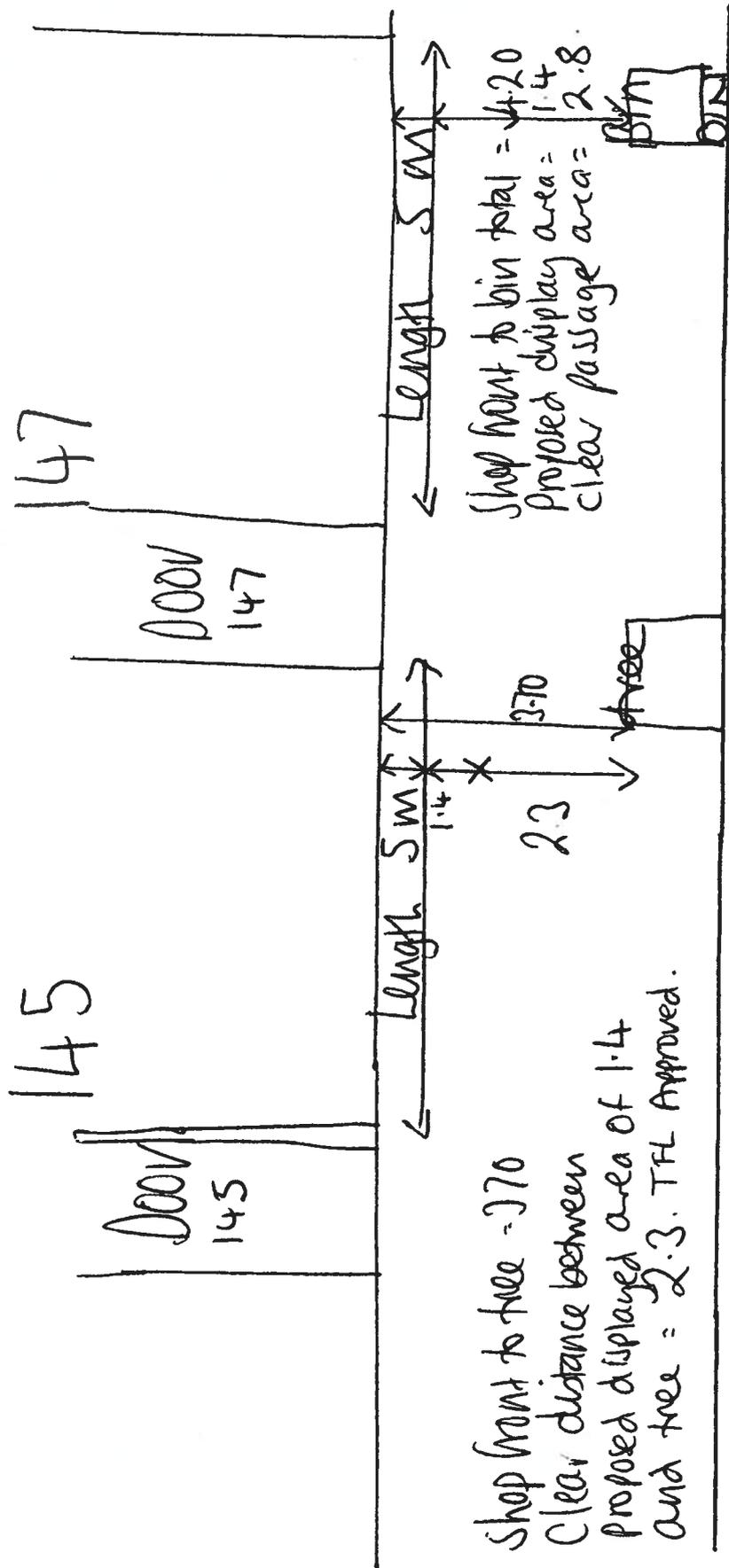












Wickham Road AFL Route

1.4 = width display





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 DAVID

b) Last/Family Name ROOD

c) Full Home Address of Applicant
 BECKESHAM, KENT !

d) Home Tel No e) Mobile No 13

f) E mail address:
 111

g) Date of Birth : 11

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

a) Trading Name of Premises: ... Q BAR AND KITCHEN

b) Trading Address: ... 147 WICKHAM ROAD, CROYDON

CR0 8TE

c) Business Tel No : ... 020 86569898

3. DISPLAY AREA (see note C)

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

Length ... 5 metres METRES ... Width ... 1.4 METRES ... Height ... 0.7 METRES

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

Sunday: from 6am to 10pm Thursday: from 6am to 10pm

Monday: from 6am to 10pm Friday: from 6am to 10pm

Tuesday: from 6am to 10pm Saturday: from 6am to 10pm

Wednesday: from 6am to 10pm

c) Type of goods or services to be displayed : TABLES AND CHAIRS

4. MOBILE VEHICLE/TRAILER (See note D)

a) Address of proposed pitch

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

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

c) Registration No

d) Proposed hours and days of trading:

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

Office Use only Premises Licence No

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

I enclose a fee of £ 365.

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

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

Date 30/10/19

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**DAVID ROOD****TO USE SITE KNOWN AS****Q Bar & Kitchen**
147 Wickham Road
Croydon
CR0 8TE**TO DISPLAY**

Tables & Chairs

SIZE OF DESIGNATED DISPLAY

Length 5 m, Width 1.4 m, Height 0.7 m

PERMITTED DAYS & TIMESTuesday - Saturday 6:00 am - 11:00 pm
Monday 6:00 am - 10:00 pm
Sunday 8:00 am - 10:00 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: 30.10.2019**Date Licence Expires: 30.09.2020****Licence Number: 20/00327/STT**

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

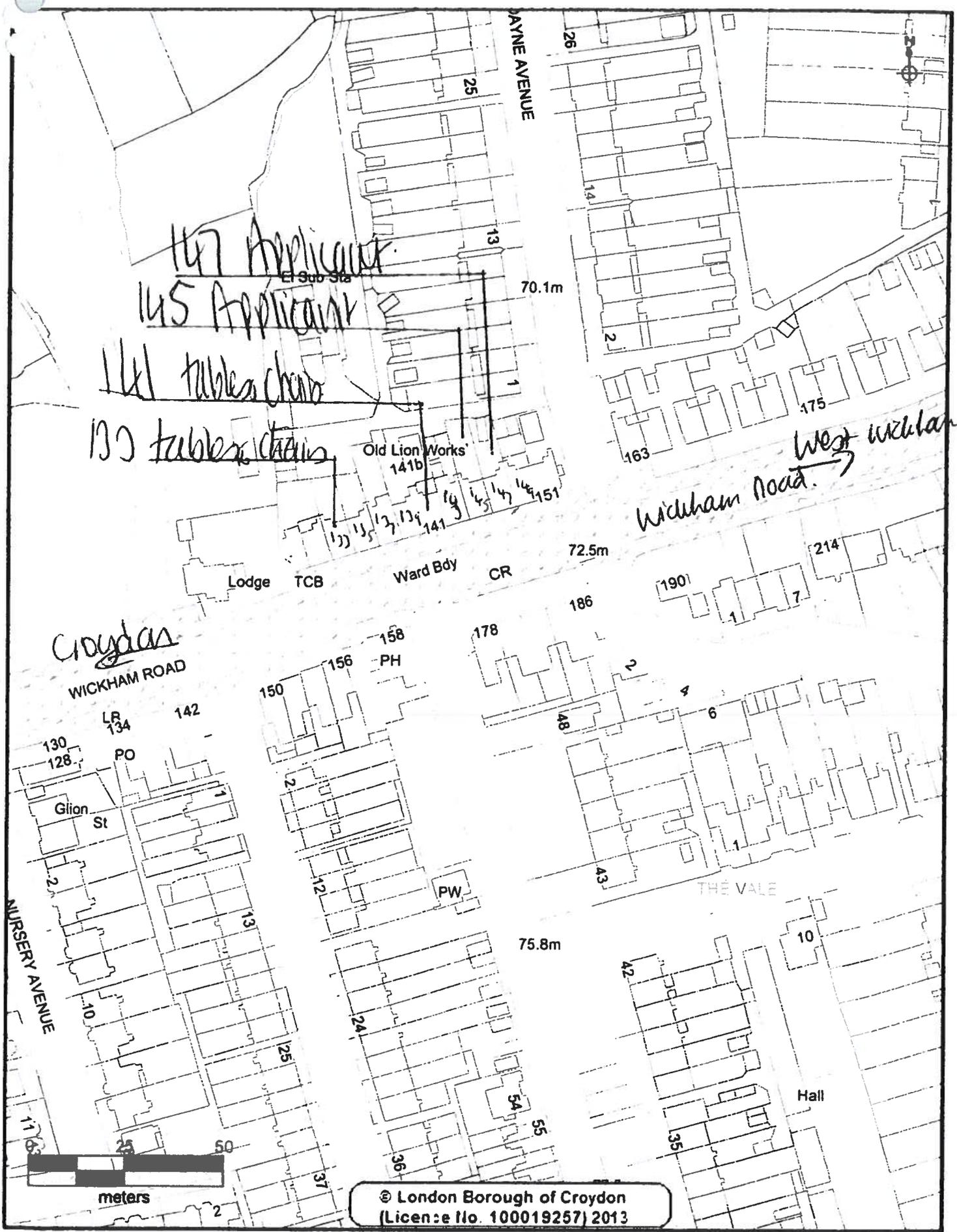


Licence Conditions

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. If the application for a street designation order and the subsequent application for a full licence are granted then premises displaying tables and chairs must then enclose the display area with a suitable barrier material e.g. rope.
7. The licence holder is responsible for removing all litter from the licensed area and adjacent footway at regular intervals during the day and at the close of business each day.







APPENDIX E

Applicant: Mr. Mohammed Jaleel

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

Measurements: The application seeks a trading area of length 1.8 metres both LHS & RHS and width 1.2 metres. This would leave a clear pavement width of 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 E1 shows photographs of the display and available pavement space. Appendix E2 is a diagram of the site with relevant measurements marked on it.

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 E3.
- 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.
- 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 30.09.2020. A copy is attached at Appendix E4.
- 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 E5.
- 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 E6.

- 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







[Get Outlook for Android](#)



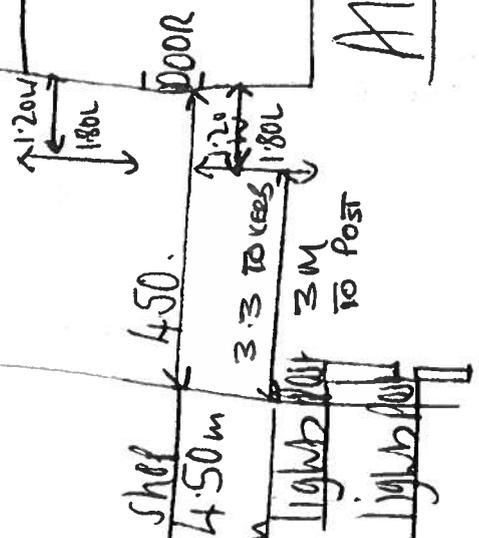
High Street

119

121

123

Alleyway to Flat.



Total length between shed
 front and rear = 4.50m
 Clear passage = 1.70m

123 High Street
 Sherrinforton Works



E3

20160378/ST



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: K
- 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)

Length 1.80 Width 1.20 Height 1.5

1.80
1.20
 Total pavement shop area = 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

**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: 30.09.2020****Licence Number: 20/00378/STT**

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



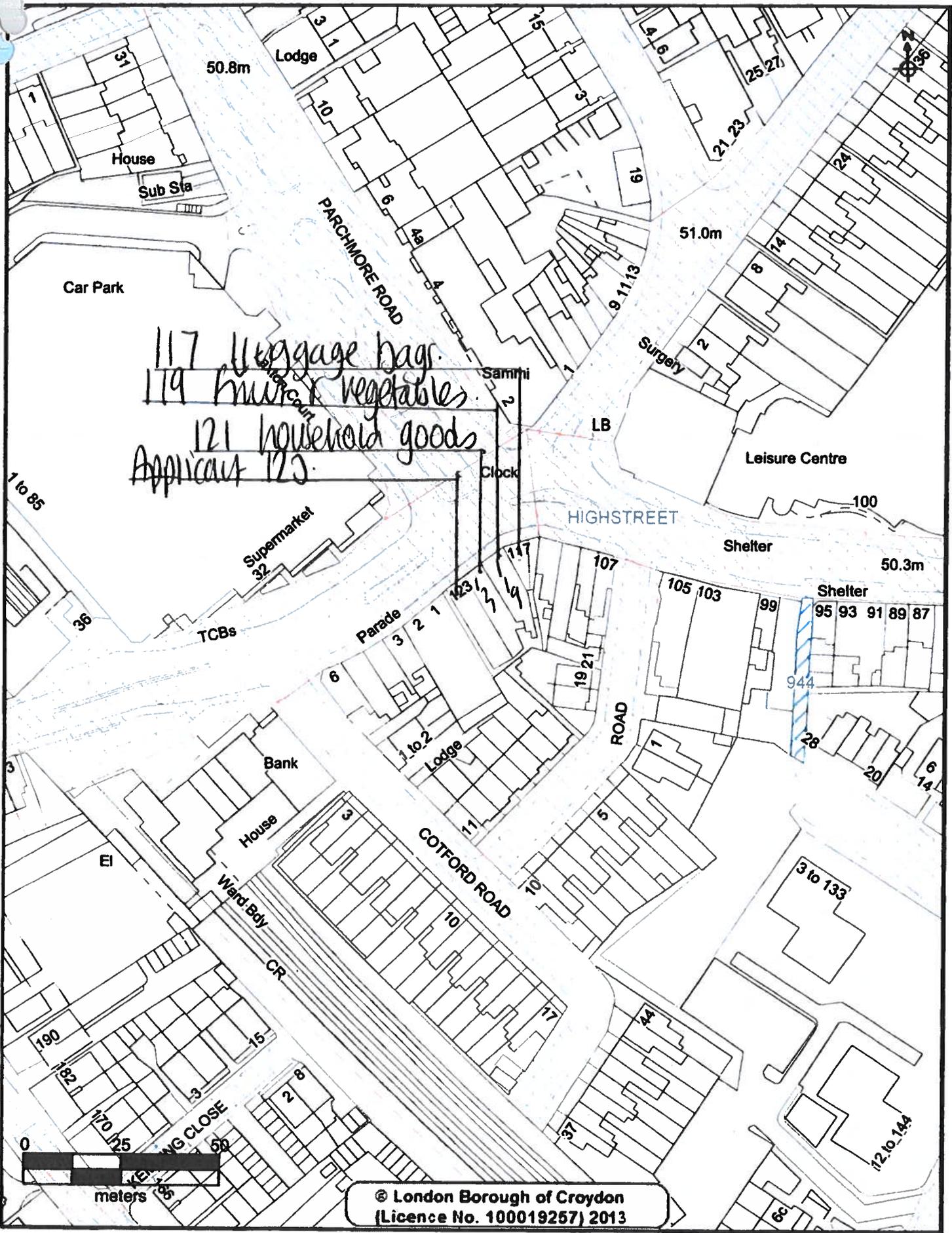
Licence Conditions

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.



E5 BAR



117 Waggage bags
 119 fruit & vegetables
 121 household goods
 Applicant 123

© London Borough of Croydon
 (Licence No. 100019257) 2013



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

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

Mohammed Jaleel
~~XXXXXXXXXX~~
Thornton Heath
~~XXXXXXXXXX~~

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

REPORT TO:	LICENSING COMMITTEE 30 SEPTEMBER 2020
SUBJECT:	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
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
This report details the recommended changes to the Licensing Sub-Committee hearings protocol by virtue of Covid-19 requirements.	
FINANCIAL SUMMARY:	
There are no financial implications arising from the recommendations in this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	
1. RECOMMENDATIONS	
That the Licensing Committee :	
1.1 Approve the revised protocol for Licensing Sub-Committee hearings under the Licensing Act 2003 as set out in full at Appendix 1 to this report for use in relation to remote Licensing Sub-Committee meetings, that this 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.	
1.2 Note that the Chair of the Sub-Committee has 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.	

- | |
|--|
| <p>1.3 Approve the revised protocol for Licensing Sub-Committee hearings under the Gambling Act 2005 as set out in full at Appendix 2 to this report for use in relation to remote Licensing Sub-Committee meetings under the Gambling Act 2005; that this 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.</p> |
|--|

For general release

2. EXECUTIVE SUMMARY

- 2.1 This Report provides background to the request that the Committee approve amendments to Part 5F and 5G of the Constitution to provide for remote meetings in future. The report also provides details of the exercise of delegated authority by the Chair of the Licensing Sub-Committee pursuant to Annex 1 to Part 5F of the Constitution to agree a change to the Licensing Sub-Committee procedure for individual Sub-Committee hearings to take account of remote hearings.

3. DETAIL

- 3.1 The purpose of the recommended changes to Part 5F and Part 5G of the Constitution are to facilitate the proper consideration of the application/s before the Licensing Sub-Committee. As a result of the coronavirus pandemic it has not been possible to hold Licensing Sub-Committee hearings in person. The duration of disruption is unclear, and whilst it is possible to continue to request the Chair of each Sub-Committee to consider an amendment to the procedures to take account of remote hearings, it is considered appropriate to formally incorporate such procedures into an Annex 2 to Part 5F and an Annex 2 to Part 5G so that this is not necessary for each meeting which is held remotely in future.
- 3.2 Currently the Council's arrangements for Licensing Sub-Committee hearings do not specifically reference remote/virtual hearings although remote hearings are possible both under the provisions of the Licensing Act 2003 (Hearings) Regulations 2005 which govern Licensing Sub-Committee hearings under the Licensing Act but also by virtue of the introduction of new powers set out in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the Flexibility Regulations') which was introduced pursuant to the Coronavirus Act 2020 and allows for remote attendance at council meetings.
- 3.3. The Coronavirus Act 2020 ('the CV Act') is the government's main legislative change in response to the pandemic. Most of its provisions came into effect on 25 March 2020 but detailed further legislation in the form of statutory instruments as well as additional government guidance have been issued since that date and continue to be published.

- 3.4 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392 ('the Flexibility Regulations') exercise powers set out in section 78 of the CV Act and make specific legislative provision for remote attendance at meetings including public and press access to those meetings. The Flexibility Regulations came into force on 4 April 2020 and apply to local authority meetings held on or before 7 May 2021.
- 3.5 The Chair of the Licensing Sub-Committee is authorised to vary the procedure which applies to individual Licensing Sub-Committee hearings under the Licensing Act 2003 or under the Gambling Act 2005 in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee. In addition, the Licensing Sub-Committee may waive, vary or modify any part of Part 5F protocol in relation to a particular case if it considers that this is necessary to ensure fairness to the Parties and/or proper consideration of the application in question, provided always that this does not result in any contravention of the Licensing Act 2003 (Hearings) Regulations 2005. The same provision is made in respect of Part 5G, provided always that this does not result in any contravention of the Gambling Act 2005 (Proceedings of Licensing Committees & Sub-Committees) (Premises Licenses And Provisional Statements)(England And Wales) Regulations 2007
- 3.6 Pursuant to the above provisions, the Chair of the Sub-Committee agreed to vary the procedure (in line with Appendix 1) which applied to the following Licensing Sub-Committee hearings on the basis that the Chair considered that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee:
- Thursday 28 May 10.30am
Tuesday 23 June 10.30am
Tuesday 18 August 10.30am
Thursday 24 September 10.30am
- In addition, a licensing sub committee hearing is currently scheduled for 6 October 2020 and the Chair will be asked to vary the procedure for that hearing as well, as the papers for that hearing will have been published before this Committee meeting and the parties have been notified of the temporary amendments to the hearings protocol (LA2003).
- 3.7 In order to facilitate the ongoing performance of the functions of the Licensing Sub-Committee and to remove the necessity for the Chair to consider a variation to the procedure for each meeting which is held remotely in future, the Committee is asked to agree an amendment to Part 5F and Part 5G to include an Annex 2 which sets out the remote hearings protocol and update Part 5F and Part 5G to include appropriate reference to Annex 2. In respect of Part 5F, it is also necessary to rename the current Annex 2 and Annex 3 and update all the references to Annexures throughout Part 5F.
- 3.8 The proposed wording for Annex 2 to Part 5F is identical to the current wording

of Annex 1 (which applies to all in person Licensing Sub-Committee hearings) save in the following respects where it is amended:

- to make specific reference (in Note 3 which is a completely new paragraph) to remote meetings and how this is defined
- consequential wording alterations to incorporate the remote meeting arrangements
- to provide (in paragraphs 19 and 20) that where a decision is required to be made at the conclusion of a hearing and members' deliberations, members will return from private deliberations to announce the decision and reasons. Where however the Regulations do not require a decision to be given at the conclusion of the hearing, it will be given to the Parties in writing within 5 working days following the conclusion of the hearing.

3.9 The proposed wording for Annex 2 to Part 5G is identical to the current wording of Annex 1 (which applies to all in person Licensing Sub-Committee hearings) save in the following respects where it is amended:

- to make specific reference (in Note 3 which is a completely new paragraph) to remote meetings and how this is defined
- consequential wording alterations to incorporate the remote meeting arrangements
- to provide (in paragraphs 19 and 20) that where a decision is required to be made at the conclusion of a hearing and members' deliberations, members will return from private deliberations to announce the decision and reasons. Where however the Regulations do not require a decision to be given at the conclusion of the hearing, it will be given to the Parties in writing within 5 working days following the conclusion of the hearing.

4 FINANCIAL CONSIDERATIONS

4.1 There are no direct financial implications arising from this report. The work associated with it is contained within the departmental budget. This decision will enable officers and Members to be efficient and focus limited resources appropriately in a timely manner.

4.2 Approved by: Felicia Wright, Head of Finance, Place

5. LEGAL CONSIDERATIONS

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

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

6. HUMAN RESOURCES IMPACT

- 6.1 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.
- 6.2 (Approved for and on behalf of Sue Moorman, HR Director, by Jennifer Sankar, Head of HR Place).

7. EQUALITIES IMPACT

- 7.1 There are no direct equality impacts arising out of the proposals in this report
- 7.2 The arrangements for the Licensing Hearings will seek to ensure that all applicants and other interested parties receive a fair hearing and that the process is inclusive and accessible to all groups within the community.
- 7.3 Approved by Yvonne Okiyo, Equalities Manager, Policy and Partnerships

8. ENVIRONMENTAL AND DESIGN IMPACT

- 8.1 The effective implementation of the Licensing Act 2003 will contribute to an improved environment for local residents and other stakeholders.

9. LICENSING OBJECTIVES IMPACT

- 9.1 The licensing objectives contained in the Licensing Act 2003 are:

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

The Licensing Objectives in the Gambling Act 2005 are:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 9.2 The proposed amendments to 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 whilst being mindful of the current restrictions as a result of Covid-19

10. REASONS FOR RECOMMENDATIONS

- 11.1 The recommendations are to add a new Annex 2 to both Part 5F and Part 5G to take account of the need to undertake remote hearings as well as the legislative changes set out in the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which permit remote attendance at meetings to take place during the pandemic.

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 The alternative options would be continue to hold Licensing Sub-Committee hearings but this would be a breach of the government's regulations regarding social distancing and would not be compatible with measures in place to stop the spread of coronavirus or not to alter the current provisions within Part 5F and Part 5G. The latter is not considered to facilitate the proper consideration of the application/s before the Licensing Sub-Committee in the same way that the proposed amendments would do.

13. DATA PROTECTION IMPLICATIONS

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

NO

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

BACKGROUND DOCUMENTS: None

APPENDICES:

Appendix 1 - Proposed new Annex 2 to Part 5F
Appendix 2 - Proposed new Annex 2 to Part 5G

Appendix 1 to report: proposed new Annex 2 to Part 5F

ANNEX 2 - Procedure for Remote Licensing Sub-Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the Licensing Sub-Committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the Licensing Sub-Committee.

Note: (2) The hearing shall take the form of a discussion led by the Licensing Sub-Committee. Cross-examination shall not be permitted unless the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice before it.

Note: (3) Having regard to the Licensing Act 2003 (Hearings) Regulations 2005, The Coronavirus Act 2020 (in so far as it impacts on licensing proceedings) and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020: any reference to hearing may be to a virtual or remote hearing which is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a "place" where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers and "present", "appear" and "attend" shall be construed accordingly.

1. The Licensing Sub-Committee will elect a Chair from amongst their number
2. The Chair will invite those present to introduce themselves, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the Licensing Sub-Committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The Licensing Sub-Committee will confirm or vary the time limits set out below to be applied to contributions from the Parties. (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the Licensing Sub-Committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any requests to adduce additional documentary or other information.

7. The Licensing Officer will outline:
 - details of the application and relevant representations received from the Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the Parties or their representative in turn to address the Licensing Sub-Committee and invite any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the Licensing Sub-Committee and call persons on his/her behalf, and clarify any points on which the Licensing Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Licensing Sub-Committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
9. Members of the Licensing Sub-Committee or their Legal Adviser may ask questions of any Party, at any time throughout the proceedings.
10. The sequence in which each of the Parties will be invited to address the Licensing Sub-Committee will normally be in the order of:
 - the Police;
 - the Fire Authority;
 - the Health and Safety at Work Enforcing Authority;
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers, Waste Management Officers;
 - the Local Trading Standards Authority;
 - the Authority Responsible for the Protection of Children from Harm;
 - any Other Party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Licensing Sub-Committee (if there are a large number of Other Persons present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf); and
 - the Party that has submitted the application, certificate, notice or other matter appearing before the Licensing Sub-Committee.
11. At the discretion of the Licensing Sub-Committee the above order may be varied.
12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
13. If the Licensing Sub-Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each submission.

14. The Sub-Committee will then ask any outstanding points requiring clarification.
15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the Licensing Sub-Committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.
18. The Licensing Sub-Committee will deliberate on and determine the matter under consideration. The Licensing Sub-Committee may withdraw to do this privately.
19. Where a decision is required to be made at the conclusion of the hearing, the Licensing Sub-Committee will return to open session following their private deliberations. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the Licensing Sub-Committee's private discussion that has informed their decision. The Chair will then announce in open session to all Parties the decision of the Licensing Sub-Committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.
20. Where a decision is not one which is required to be made at the conclusion of the hearing, the meeting will be concluded and thereafter the Members will undertake their deliberations. Parties will be notified of the decision of the Sub Committee and the reasons for that decision in writing within 5 working days following the conclusion of the hearing.

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Appendix 2 to report: proposed new Annex 2 to Part 5G

ANNEX 2 - Procedure for Remote Licensing Sub- Committee Hearings

Note: (1) This procedure shall normally be followed for all Hearings held by the relevant committee(s). The Chair may vary the procedure in respect of any hearing if he/she considers that this would facilitate the proper consideration of the application or notice before the relevant committee.

Note: (2) The hearing shall take the form of a discussion led by the relevant committee. Cross-examination shall not be permitted unless the relevant committee considers that cross-examination is required for it to consider the representations, application or notice before it.

Note: (3) Having regard to the Gambling Act 2005(Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007, The Coronavirus Act 2020 (in so far as it impacts on licensing proceedings) and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020: any reference to hearing may be to a virtual or remote hearing which is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers and “present”, “appear” and “attend” shall be construed accordingly.

1. The relevant committee will elect a Chair from amongst their number
2. The Chair will invite those present to introduce themselves, Parties to indicate their names and who they represent. Chair to ascertain who will speak.
3. The Chair of the relevant committee will inform the Parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused (Note this relates to people other than those attending on behalf of a Party in the capacity as a representative of the Party).
4. The Chair will explain to the Parties the procedure to be followed at the hearing and to consider any request made by a Party in accordance with the Regulations for permission for another person to appear at the hearing (Such permission shall not be unreasonably withheld).
5. The relevant committee will confirm or vary the time limits set out below to be applied to contributions from the Parties. (Note: under the Regulations an equal maximum time period must be allowed to the Parties to exercise their rights under the Regulations).
6. The Chair will summarise the paperwork before the relevant committee and confirm that all present have copies; will ascertain whether any representations have been or are now to be withdrawn, and will hear any

requests to adduce additional documentary or other information.

7. The Licensing Officer will outline:
 - details of the application and relevant representations received from the Parties; and the outcome of any discussions
 - relevant legislation;
 - relevant Licensing Policy; and
 - the time limit in which the Council must reach a determination.
8. The Chair will invite each of the Parties or their representative in turn to address the relevant committee and invite any person/s to whom permission has been granted to appear. Each Party will be allowed a maximum period of 10 minutes in which to address the relevant committee and call persons on his/her behalf, and clarify any points on which the relevant committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the relevant committee or Legal Adviser considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
9. Members of the relevant committee or their Legal Adviser may ask questions of any Party, at any time throughout the proceedings.
10. The sequence in which each of the Parties will be invited to address the relevant committee will normally be in the order of:
 - the Police;
 - the Fire Authority;
 - the Health and Safety at Work Enforcing Authority;
 - the Local Planning Authority;
 - the Local Environmental Health Authority – Noise and Nuisance Officers, Waste Management Officers;
 - the Local Trading Standards Authority;
 - the Authority Responsible for the Protection of Children from Harm;
 - any Other Party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Relevant committee (if there are a large number of Other Persons present who are making relevant representations they may be invited to share the maximum time available or to nominate a spokesperson to speak on their behalf); and
 - the Party that has submitted the application, certificate, notice or other matter appearing before the relevant committee.
11. At the discretion of the relevant committee the above order may be varied.
12. Parties may give their evidence by making a statement or if appropriate by being questioned by the person calling them.
13. If the relevant committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require, a period of up to 5 minutes cross-examination shall be allowed after each

submission.

14. The relevant committee will then ask any outstanding points requiring clarification.
15. The Chair will ask the Applicant whether in the light of any representations made, they wish to amend their application or offer any additional conditions to overcome the representations and/or promote the licensing objectives.
16. If the Applicant makes any comments in relation to 15 above, the relevant committee will ask the other Parties whether they wish to make any further comment in relation to any amendment or additional comments offered by the Applicant.
17. The Chair will invite the Parties to indicate if they wish to make any final comments. If any Party wishes to do so they will be given a maximum of 3 minutes to do so and the other Parties will be given the same maximum period, finishing with the Applicant.
18. The relevant committee will deliberate on and determine the matter under consideration. The relevant committee may withdraw to do this privately.
19. Where a decision is required to be made at the conclusion of the hearing, the relevant committee will return to open session following their private deliberations. The Chair will ask the Legal Adviser to inform the Parties of any legal advice given during the relevant committee's private discussion that has informed their decision. The Chair will then announce in open session to all Parties the decision of the relevant committee and reasons, unless (where permitted by the Regulations) the decision is to be communicated at some later time.
20. Where a decision is not one which is required to be made at the conclusion of the hearing, the meeting will be concluded and thereafter the Members will undertake their deliberations. Parties will be notified of the decision of the relevant committee and the reasons for that decision in writing within 5 working days following the conclusion of the hearing.

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REPORT TO:	LICENSING COMMITTEE 30 SEPTEMBER 2020
SUBJECT:	PAVEMENT LICENSING: UPDATE ON DELEGATION OF FUNCTIONS
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Safer Croydon & Communities
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
This report details the actions taken to delegate pavement licensing functions and ensure that the Council is able to deliver this new service.	
FINANCIAL SUMMARY:	
There are no financial implications arising from the recommendations in this report.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	
1. RECOMMENDATIONS	
That the Licensing Committee :	
1.1 Note the delegation of functions in respect of Pavement Licensing.	

For general release

2. EXECUTIVE SUMMARY

- 2.1 This Report provides background to the exercise of delegated authority of the Council Solicitor under Article 15.2 (d) of the Constitution to agree a change to the Council's Constitution arising as a result of legislative changes brought about by the Business and Planning Act 2020 <https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted> in relation to Pavement Licensing and changes necessitated by administrative convenience to delegate authority to the Executive Director Place to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020.
- 2.2 Pavement Licensing under the Business and Planning Act is only in force until September 2021, whereafter the provisions will cease.

3. DETAIL

- 3.1 The London Borough of Croydon is the licensing authority for a broad range of legislation and licensable activities.
- 3.2 The Business and Planning Act 2020 was fast tracked through legislative scrutiny and came into force on 22 July. Prior to the final consideration by the Commons on the evening of 21 July, the functions under the Act in relation to Pavement Licensing were to be executive functions, meaning that the Leader was able to delegate these to officers to undertake. With the last minute changes, these functions were designated as non-executive functions in respect of which the Leader/Cabinet/Cabinet Members may not delegate or take decisions. As such, the Council Solicitor was asked to utilise her delegated authority to ensure that these functions were able to be undertaken by officers as detailed more fully below. As part of the exercise of this delegation, the use of this authority is being reported to the Licensing Committee for information.
- 3.3 The Government states *'Covid-19 has affected businesses across the economy. Many businesses have had to cease trading for several months, and others have had to significantly modify their operations. As the economy starts to re-open, the Government wants to do all it can to support recovery, help businesses adjust to new ways of working and create new jobs. This Bill introduces a number of urgent measures to help businesses succeed in these new and challenging conditions over the coming months, and to remove short term obstacles that could get in their way. Almost all measures are temporary, with some limited exceptions.*
- 3.4 The current provisions regarding pavement licensing cease to have effect (and no licenses may be granted which go beyond) 30 September 2021.
- 3.5 Premises will be able to apply for a pavement licence to place furniture outside, adjacent to their premises on the public highway. In this context, furniture means stalls for selling or serving food or drink, tables and chairs and articles such as umbrellas, barriers and heaters.
- 3.6 The application process is intended to be streamlined and fast track in order to enable business to recover having reopened following lockdown by legally placing tables and chairs and other furniture outside their premises to boost trade and assist with social distancing.
- 3.7 Part of the Act therefore introduces the concept of a fast track pavement licensing process which - contrary to the current street trading legislation which has consultation for a 28 day period and thereafter sufficient time for determination - requires a 7 day consultation period and a 7 day determination period. The implications for the authority if it fails to determine the matter within the 7 days is that the licence is deemed to be granted and the Council loses the ability to impose bespoke restrictions or bespoke conditions for the licence applied for. The 7 days are ordinary days rather than working days and the only days excluded from this calculation are Christmas Day, Good Friday and a Bank Holiday so that if, for example, an application were received on a Friday

night after business hours, the 7 day period would begin the next day – the Saturday – and expire on the following Friday.

- 3.8 Accordingly it was imperative not only that the Council has its processes and procedures in place soon after the commencement of these provisions but also that there is a sufficiently expedient means of allowing determinations to be made. There are 1000's of premises potentially eligible and such applications need to be processed in a very short space of time. In addition, the Act caps the fee which may be charged for such applications to £100 and recommends that such licenses be granted for a period of 1 year. This is significantly less than the Council charges in respect of most annual street trading licenses under existing legislation.
- 3.9 In determining the applications, the principal matters the Council will need to consider are set out in the Act and guidance and include the amount of available pavement to allow passers-by free, clear access and egress to/from and access along the pavement, especially wheelchair users, those with reduced mobility and the visually impaired and ensuring that there is no obstruction of statutory undertakers, utility providers or operators of an electronic communications code network in having access to any apparatus of theirs kept, installed, under, in, on or over the highway.
- 3.10 Accordingly the Council Solicitor was asked to make provision for decision making powers with regard to pavement licensing under the Act to be delegated to the Executive Director of Place in order for the Council to move swiftly to assist relevant businesses as they seek to establish trade again following lockdown, whilst at the same time complying with the social distancing requirements set out by Government and the new legislative requirements by ensuring that the Council is able to publish and determine the applications within the very short time scale allowed for this purpose. It should be noted that the Act includes a requirement that publication by the authority take place by electronic means.
- 3.11 The Council Solicitor is authorised under Article 15 of the Constitution to make amendments to the Constitution in two circumstances: to make any necessary amendments to the Constitution consequent on legislation (Article 15.2(b)) and to make any changes to the Constitution which arise as a result of legislative changes and any changes necessitated by administrative convenience (Article 15.2(d)). The amendments made were to ensure that legislative changes made are able to be actioned and local businesses supported in line with the new functions and requirements.
- 3.12 The amendment made to Paragraph 2.5 of Part 3 of the Constitution to take account of this delegation is set out below and underlined:

2.5. Licensing Committee (Membership 12. A further 12 Members shall form a pool of reserve Members for the Committee).

1. All licensing, registration and related functions as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

as amended and the Licensing Act 2003 (Note: Applications and other matters under the Licensing Act 2003 shall be determined in accordance with the schedule of delegations at Annex 2 to the Protocol on Licensing Hearings. Responsibility for hearing and determining applications where a hearing is required under the provisions of the Licensing Act 2003 shall be delegated to the Licensing Sub- Committee). Authority is delegated to the Executive Director Place to do all things necessary to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020 including but not limited to the determination of standard conditions which apply, determining applications, setting the fee within the statutory limit, revocation of licenses and authorising officers to enforce and exercise these functions.

- 3.13 This update to the Constitution will remain in force until 30 September 2021 unless amended earlier by Full Council.

4 CONSULTATION

- 4.1 Discussions were undertaken with colleagues in Planning, Highways, Regeneration, Economic Development, Growth Zone, Neighbourhood Operations and Legal and also with Croydon Police and TfL. Consultation also took place with the Chair and the Vice Chairs of Licensing Committee who have requested that Ward Councillors be notified of applications in their ward.

5 FINANCIAL CONSIDERATIONS

- 5.1 The decision to delegate these new functions does not give rise to any additional financial considerations.
- 5.2 Approved by: Felicia Wright, Head of Finance, Place.

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Corporate Law and Litigation comments on behalf of the Director of Law and Governance that following the amendment agreed by the Commons, pavement licensing are matters which the Executive is precluded from considering under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 6.2 The Council Solicitor is authorised under Article 15 of the Constitution to make amendments to the Constitution in two circumstances: to make any necessary amendments to the Constitution consequent on legislation (Article 15.2(b)) and to make any changes to the Constitution which arise as a result of legislative changes and any changes necessitated by administrative convenience (Article 15.2(d)). The proposed amendments will be to ensure that legislative changes made are able to be actioned and local businesses supported in line with the new functions and requirements
- 6.3 Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer.

7. HUMAN RESOURCES IMPACT

- 7.1 There are no human resources impacts arising from this report.
- 7.2 Approved by: Jennifer Sankar, Head of HR Place for and on behalf of Sue Moorman, Director of HR.

8. EQUALITIES CONSIDERATIONS

- 8.1 In exercising the delegated functions, officers will need to have regard to equalities and inclusion considerations. There are no direct equalities impacts on groups that share protected characteristics arising as a result of this decision to delegate functions.
- 8.2 The principal matters the Council will need to consider are set out in the Act and guidance and include the amount of available pavement to allow passers-by free, clear access and egress to/from and access along the pavement, especially wheelchair users, those with reduced mobility and the visually impaired
- 8.3 Equality Analysis will be undertaken where necessary to ascertain and mitigate any impact on groups that share protected characteristics
- 8.4 Approved by: Yvonne Okiyo, Equalities Manager.

9. ENVIRONMENTAL IMPACT

- 9.1 There is no environmental impact arising from this report.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no such impacts arising from this report.

11. REASONS FOR RECOMMENDATIONS

- 11.1 The recommendation is for Members to note the changes. The delegations are in place to enable the Council to be responsive and provide assistance to the business community as envisaged by the government in introducing these provisions.

12. OPTIONS CONSIDERED AND REJECTED

- 12.1 The alternative option would be continue to have the functions sit with the Licensing Committee and this would require not only frequent convening of Licensing Committee meetings at very short notice with the additional cost and administrative burden, but if the meetings are not convened sufficiently expediently or applications not determined within 7 days, then the Council would run the risk of deemed consent being applicable to any application not determined in time. This would not support the requirements to ensure safety of the public whilst still supporting businesses to begin the process of economic

recovery and would not support the council's reputation in this regard. Given the potential volume of applications and the very short time scale for determining these matters (7 days), it was not considered advisable for this route to be followed.

13. DATA PROTECTION IMPLICATIONS

13.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

REPORT AUTHOR / CONTACT OFFICER: Michael Goddard, Interim Head of Public Protection and Licensing

BACKGROUND DOCUMENTS: None