

Licensing Committee

Meeting held on Tuesday, 12 April 2022 at 6.30 pm in Room 1.01 and 1.02 - Bernard Weatherill House, Mint Walk, Croydon CR0 1EA

MINUTES

Present: Councillor Robert Canning (Chair);
Councillor Margaret Bird (Vice-Chair);
Councillors Chris Clark, Nina Degrad, Karen Jewitt, David Wood,
Maddie Henson, Simon Brew (in place of Councillor Jan Buttinger),
Andy Stranack and Robert Ward

Also

Present: Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Jessica Stockton (Solicitor and Legal Advisor to the Committee); Fiona Woodcock (Markets and Street Trading Compliance Officer); Eunice Crassie (Markets and Street Trading Officer); Jayde Watts (Trainee Democratic Services Officer) and Tariq Aniemeka-Bailey (Trainee Democratic Services Officer).

Apologies: Councillor Pat Clouder, Oni Oviri and Jan Buttinger

PART A

1/22 Minutes of the Previous Meeting

The minutes of the meeting held on 23 November 2021 were agreed as an accurate record.

2/22 Minutes of previous Licensing Sub-Committee Meetings

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

- 9 November 2021
- 8 December 2021
- 15 December 2021
- 26 January 2022
- 8 March 2022

3/22 **Urgent Business (if any)**

There were no items of urgent business.

4/22 **Disclosure of Interests**

There were none.

5/22 **London Local Authorities Act 1990 - Application for Street Designation
x4**

The Committee considered the application to designate a site on the highway outside **46 High Street, Thornton Heath, CR7 8LE** for the purposes of street trading.

The Head of Environmental Health, Trading Standards and Licensing introduced the item, explaining the process of designation for street trading, applying for street trading licences and the details of the application before the Committee. The Head of Environmental Health, Trading Standards and Licensing highlighted the following:

- That the applicant had asked for a display area to trade and sell fruit and vegetables, Monday to Saturday 9am to 9pm and on Sunday 9am to 5pm.
- The application sought a trading area of length 2m and width of 2.4m. the total distance from the shop front to the curb was 7.3m. the nearest obstruction was a post which from the left of the display presented pedestrians with a space of 4.2m for clear movement. The section of highway in question was Croydon Council maintained and the minimum required between any display and the curb was 2m.
- This application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- There were seven other street trading sites nearby the applicant's premises, six of these sites were licensed to sell fruit and vegetables.
- The premises was in the saturation zone in the council's street trading policy.

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

A Member informed the Committee that they had visited the site recently and found that the display that was currently in place had made it difficult for pedestrians to walk past. The Member also stated that a neighbouring site

had an application to use a display area refused. There were also other sites along the High Street that protruded too far into the pavement, causing difficulties for the pedestrians as they walked past.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that once a license was issued, any overspreading by an individual afterwards would become an enforcement matter.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that each application should be treated on its own merits. The saturation policy would come into effect if the number of sites along the High Street would have a detrimental impact on the safe and convenient passage of pedestrians. In this event, the committee may be minded to refuse any further requests for street designations but would consider each applications on its merits.

A Councillor informed the Committee that despite the pavement width being narrower outside one of the sites that had an application rejected recently, this was down to the saturation policy and concerns around safe and convenient passage, rather than the amount of payment space.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer informed the Committee that they had not received any complaints regarding the overspreading of the display area on site whilst the applicant had been operating under a temporary license. The Markets and Street Trading Compliance Officer also stated that there were six displays on the same side of street as the applicant's site.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing stated that the saturation policy had not been triggered by a recent application.

In response to a question from a Councillor, the Solicitor and Legal Advisor to the Committee informed the Committee that the saturation policy gave a suggestion of the type of matters that they Committee may consider when determining whether the policy ought to be applied in the current case. The matters that were set out in the policy included the presence of existing street furniture, the proximity and nature of any road junctions and any pedestrian points, the number of sites already designated on the same street, whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction, whether it leaves a minimum clear passage of 2m, would it put the safety of pedestrians at risk, would it have a negative impact on the appearance and character of the area and are there any relevant Council policies relating to the town or district centre in question whose implementation may be compromised by the designation.

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained that site had been visited recently by a ward Councillor and that the Markets and Street Trading

Compliance Officer had not received any complaints. If an issue was reported then an officer could be directed to the site, however if there were no issues reported then there would need to be a referral from a Councillor, a member of the public or an officer for a site to be investigated for a breach in the terms of their license.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing reiterated that enforcement was important, and the Markets and Street Trading Compliance Officer patrolled the area as often as she could. The Head of Environmental Health, Trading Standards & Licensing then went on to explain that if an applicant had overspread onto the pavement, then the focus would be on that individual site and other sites would not be penalised for their breach.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

The applicant was able to clarify the following:

- The reason that he made an application was because the interior of his store was relatively small, if he was granted permission to have a display area outside would allow him to sell more groceries.
- This was a new business, so he was keen to attract more customers using a display area outside of the store.
- That his current display under his temporary license was taking up less space than what had been allocated to him under the terms of the license.
- This was his first and only business.

Having regard to the Council's Policy and the Statutory provisions as detailed in the report of the Corporate Director, the Committee **RESOLVED**:

1. To **DESIGNATE** 46 High Street, Thornton Heath, CR7 8LE as detailed in the application for the purposes of street trading.
2. To **GRANT** a street trading license to the applicant.

The Committee considered the application to designate a site on the highway outside **30 High Street, Thornton Heath, CR7 8LE**.

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

- The application was for a trading area with a length of 3.3m and a width of 2.2m. The total distance between the shop front and the nearest obstruction was 5.2m, this would leave sufficient space to allow pedestrian movement past the site.
- The section of highway in question was Croydon Council maintained and the minimum required between any display and the curb was 2m.
- The application was to display fruit and vegetables, Monday to Sunday 11am to 11pm.
- The application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- The premises was in the saturation zone in the council's street trading policy.

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

In response to comments from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that even though the applicant had been issued with a temporary licence they did not have to produce a display area before applying for a street designation. The Head of Environmental Health, Trading Standards & Licensing stated that they believed the applicant had not produced a display area as their site was being refurbished and the application had been made in advance of opening.

The Markets and Street Trading Compliance Officer further clarified that the display area would be smaller than the display area at the neighbouring site.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing informed the Committee that area that the applicant had applied for was the same size as the area that had already been granted to the applicant under their temporary license.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer stated that the bus stop outside of the site would not have an impact on the ability of pedestrians to safely walk past the site as they were too far away.

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer explained to the Committee that there had previously been a license granted to the applicants' site next door. The Committee would need to seek further clarification from the applicant in regard to the trading standards that they would plan to implement.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing informed the Committee that while the decision whether to designate a street trading license rested with the Committee, the saturation policy was in place to assist the decision-making process by assessing whether the cumulative impact of granting a license would have a detrimental effect on the safe passage of pedestrians. The Head of Environmental Health, Trading Standards & Licensing also explained that officers would not prevent an application coming before the Committee due to the saturation policy.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

The applicant was able to clarify the following:

- The bus stop and the phone booth on the High Street did not sit outside of the site which the application was for.
- The display area that he has applied for would allow pedestrians to have 3m of space to walk along the pavement.
- Which groceries he intended to keep inside and on the display outside.

In response to a question from a Councillor, the applicant stated that would not need to place rubbish outside the front of his store as he had enough space behind the shop to place his rubbish during the day. The alleyway behind his store was private property.

In response to a question from a Councillor, the applicant informed the Committee that he intended to sell meat and groceries, the first 2.5m of the display would be used for green groceries and the rest of the display would contain meat. The applicant also clarified that he had not began trading as the pandemic had caused the refurbishments to run behind schedule.

The applicant shared images of how he intended the display to look with the Committee members.

In response to a question from a Councillor, the applicant stated that the display would be 0.5m smaller than the size that had been applied for providing more space for customers to stand.

In response to a question from a Councillor, the applicant stated that he would have to move the display inside the store once he had finished trading at 11pm.

Having regard to the Council's Street Trading Policy, including in particular the saturation policy, and the statutory provisions, the Committee **RESOLVED**:

1. to **REFUSE** to designate 30 High Street, Thornton Heath, CR7 8LE for the purposes of street trading on the basis that they were not satisfied that it would not put the safety of pedestrians at risk. Therefore, there was no need to consider a street trading License as the site was not designated for street trading purposes

The Committee considered the application to designate a site on the highway outside **28 High Street, Thornton Heath, CR7 8LE**.

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

- The application sought to display fruit and vegetables between 7am and 11pm Monday to Sunday.
- The application sought a display area with a length of 3m and a width of 2.2m.
- The total distance between the shop front and the nearest obstruction was 5.2m, this would leave sufficient space to allow pedestrian movement past the site.
- The section of highway in question was Croydon Council maintained and the minimum required between any display and the curb was 2m.
- The application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- The premises was in the saturation zone in the council's street trading policy.

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

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer informed the Committee that an adjacent site had a display area that was 2.2m in width from the shop front out to the pavement. The applicant had been informed of this and was told not to apply for a larger display area than this.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

Having regard to the Council's Street Trading Policy, including in particular the saturation policy, and the statutory provisions, the Committee **RESOLVED:**

1. to **REFUSE** to designate 28 High Street, Thornton Heath, CR7 8LE for the purposes of street trading on the basis that they were not satisfied that it would not put the safety of pedestrians at risk. Therefore, there was no need to consider a street trading License as the site was not designated for street trading purposes.

The Committee considered the application to designate a site on the highway outside **1428 London Road, Norbury, SW16 4BZ**.

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

- The application sought a trading area with a length of 3m to the left hand side and a length of 1.7m to the right hand side and a width on both sides of 0.6m.
- The total distance between the shop front and the nearest obstruction was 3m, this would allow 2.4m of space for pedestrians to safely walk past.
- The section of highway in question was Transport for London maintained, the minimum required between any display and the curb was 2m.
- The application sought to display fruit and vegetables between 8am and 11pm Monday to Sunday.
- The application was advertised in a local newspaper and the Council had received no comments or objections.
- An officer had checked the measurements of the site.
- This site had been issued a temporary license.
- There were eight street trading displays in the area surrounding the site for which the application was made.
- The applicant had indicated to officers that if the application was approved then he would invest in purpose made stands which could be wheeled in and out of the shop.
- The premises was in the saturation zone in the council's street trading policy.
- There had been an incident of overspreading on the 20th January 2022, this was after a previous warning and enforcement action was taken against the applicant.

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

In response to a question from a Councillor, the Markets and Street Trading Compliance Officer informed the Committee that a warning was given in the first instance, after further infringements a fixed penalty notice was issued, and this was paid by the applicant without being contested.

The Markets and Street Trading Compliance Officer went on to explain that the warning had been delivered approximately four weeks before the fine was issued, this had been the only incident of overspreading.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained to the Committee that the decision to introduce a saturation zone on London Road was made by a committee in 2009. The decision was taken as London Road was very busy and had a lot of business activity, many shops had display areas along the pavement. The Solicitor and Legal Advisor to the Committee then detailed the wording of the saturation policy and considerations which members may wish to have regard to in deciding whether or not to grant the application for designation. These included the presence of existing street furniture, the proximity and nature of any road junctions and any pedestrian points, the number of sites already designated on the same street, whether the proposed site for designation would ensure continued free access to members of the public using the road or pavement or cause obstruction, whether it leaves a minimum clear passage of 2m, would it put the safety of pedestrians at risk, would it have a negative impact on the appearance and character of the area and are there any relevant Council policies relating to the town or district centre in question whose implementation may be compromised by the designation.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing explained that the Transport for London had changed their policy to allow 2m between any display and the curb rather than 2.8m in August 2021.

The Applicant was present and offered to provide responses to any questions which the Committee and provided further comment on the application.

The applicant was able to clarify the following:

- Delivery drivers were instructed to place merchandise in trolleys while making deliveries rather than parking directly outside of the store.

In response to a question from a Councillor, the applicant informed the committee that he only had fruit and vegetables on display outside of his store.

In response to a question from a Councillor, the applicant explained that the adjacent sites did not have a display outside of their stores. The Head of Environmental Health, Trading Standards & Licensing then detailed the other sites which had street trading displays outside of their stores along the street.

In response to a question from a Councillor, the Head of Environmental Health, Trading Standards & Licensing stated that the saturation zone policy that had been considered for this application covered the entire length of London Road.

Having regard to the Council's Street Trading Policy, including in particular the saturation policy, and the statutory provisions, the Committee **RESOLVED:**

1. To **DESIGNATE** 1428 London Road, Norbury, SW16 4BZ for the purposes of street trading.
2. To **GRANT** a street trading license to the applicant.

6/22 **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 8.46 pm

Signed:

Date:

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