

Licensing Committee

Meeting of held on Monday, 26 September 2022 at 6.30 pm in Council Chamber, Town Hall,
Katharine Street, CR0 1NX

MINUTES

Present: Councillor Karen Jewitt (Chair);
Councillor Christopher Herman (Vice-Chair);
Councillors Kola Agboola, Patsy Cummings, Nina Degrad, Stella Nabukeera,
Margaret Bird, Ian Parker, Ria Patel and Tony Pearson

Also Present: Councillor Richard Chatterjee (virtual)

PART A

7/22 Minutes of the Previous Meeting

The minutes of the meeting held on 12 April 2022 were agreed as an accurate record.

8/22 Minutes of Previous Licensing Sub-Committee Meetings

The minutes of the meetings of the Licensing sub-Committee held on:

- 29 April 2022;
- 21 June 2022;
- 23 June 2022;
- 7 July 2022;
- 15 July 2022;
- 21 July 2022;
- 27 July 2022;
- 28 July 2022; and
- 11 August 2022 were agreed as accurate records.

9/22 Urgent Business (if any)

There were no items of urgent business.

10/22 Disclosure of Interests

There were no declarations of interests.

11/22 **London Local Authorities Act 1990 - Application For Street Designation Order x 3**

Michael Goddard, Head of Environmental Health, Trading Standards and Licensing outlined the nature of the applications being sought, explaining that Street Trading applications involved the display of goods for sale or the provision of services on the public highway.

There were three applications for Street Designation Orders for consideration by the committee at this meeting. During presentation of the first application, by Mr Hiratullah Salem on the highway outside 5 London Road, Croydon CR0 2RE, officers explained that there would be 4.10 clear metres between the edge of the shop display and the edge of the pavement. The minimum pavement space required by Croydon Council was two metres.

Officers explained that no comments or objections had been received from local residents or any of the licensing consultees for a licence to operate from 8 am to 9 pm Monday to Sunday. Officers explained that there were fifteen similar sites within the vicinity and that if the committee was of the opinion that that was enough within the saturation zone and that granting another such application would have a detrimental effect on safety in the area then there was a presumption that this application could be refused.

The applicant was present to respond to technical questions from the committee.

Members questioned whether the access of wheelchair users had been considered, to which officers confirmed that the space between the display and the road was compliant with both Transport for London (TfL) and Croydon Council requirements for pedestrian space. Officers also clarified that if the display failed to comply with those measurements at any point that that would be a matter for enforcement by the Licensing team. Congregation of people around the display impeding access to the walkway could also result in action from the enforcement team, usually by planning better management by the licence holder.

Members expressed concerns that the edge of the display was close to a bus stop, and officers clarified that there were more than five clear metres between them. Officers also confirmed that the location had held a temporary licence for this activity for five years and that in that time there had been no enforcement issues.

The Chair invited the applicant to introduce themselves and make their representations.

The applicant confirmed that the display would remain in exactly the same situation as was shown in the photographs in the reports pack.

Councillor Parker then MOVED to vote on the application which was SECONDED by Councillor Pearson.

RESOLVED, unanimously to:

1. Designate the site outside 5 London Road, Croydon, CR0 2LE for the purposes of street trading, and;
2. To grant a street trading licence to the site.

The second application put to the committee for consideration was on the highway outside TFC Croydon Limited 73-77 London Road, Croydon CR0 2RF and the applicant was Mr Ercan Ucar who was represented at the meeting by his sister.

Officers explained that this site had also been operating a temporary licence and that no comments or objections had been received from local residents or from the consulted authorities.

Members expressed similar concerns about those in wheelchairs being able to pass the displays, and checked how the enforcement team monitored potential issues like this, to which officers explained that there were regular patrols and that issues with free passage would be taken up with the licence holder to manage.

In response to member questions officers answered that two metres was the minimum required distance from the edge of a shop display to the kerb and that this section of the road was Croydon Council-maintained.

The Chair stated that the road in the images in the reports pack appeared to be very narrow outside the display, and officers asked the committee to consider whether that was putting pedestrian safety at risk.

Officers explained that no issues had been raised whilst the applicant operated under the temporary licence, which had been in place for seven months.

The applicant responded to the committee's concerns that there had been no accidents in the time that the temporary licence had been in place, and that they tried to keep the displays outside very safe and neat. Ms Ucan explained that outside mainly vegetables were displayed, and that crowding did not tend to happen as consumers bought whole boxes rather than individual items of food.

Officers also explained that it was for members to decide based on the information provided whether the saturation point of an area had been reached, taking into account the safety of the public.

It was **MOVED** by the Chair and **SECONDED** by Councillor Herman and put to the vote.

RESOLVED, by seven votes in favour and two abstentions, to:

1. Designate the site outside TFC Croydon Limited 73-77 London Road, Croydon CR0 2RF for the purposes of street trading, and;
2. To grant a street trading licence to the site.

The third and final application was by Mr Khalil Khidir for the premises on the highway outside 66 London Road, Croydon CR0 2TB. Officers explained that this display was 1.6 metres long and that it protruded 0.80 metres onto the pavement, leaving 3.80 clear metres between the edge of the display and the kerb, and that there was a tree on the pavement from which the edge of the display was located 2.10 metres away. It was clarified that the applicant already had a display outside the neighbouring shop, and that he sought an additional display to cover both shopfronts. There had been no comments or objections from those who had been consulted on the application.

Officers clarified for the committee that the designation was requested between the hours of 8 am and 9 pm, and this was confirmed by the applicant. Members raised some concerns around the situation of the tree and officers explained that the measurement was taken from the base of the tree.

In response to a question from a member the applicant stated that the display would not be in the way of the entrance to a residence.

The Chair **MOVED** to vote which was **SECONDED** and:

RESOLVED, unanimously to:

1. Designate the site outside 66 London Road, Croydon CR0 2TB for the purposes of street trading, and;
 2. To grant a street trading licence to the site.
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12/22

Pavement Licensing - The Business and Planning Act 2020

The Head of Environmental Health, Trading Standards and Licensing presented the report to members with some background information about how the issuing of pavement licences had changed due to the impact of Covid-19 on certain businesses, particularly pubs, restaurants and cafes. The Government had introduced Pavement Licensing to assist those most heavily affected businesses to operate outside to mitigate public health measures, and that the decisions around issuing those licences had been delegated to officers at the time.

This delegation was due to end on 30 September 2022 and so the council sought to extend that delegation for a further year. Officers anticipated that this provision for pavement licensing may become permanent by statute from the next year.

In response to questions from the committee officers explained that a lot of the businesses had already applied for and been granted street trading licences, so they did not have to keep paying for annual pavement licences, and this meant that income from street trading licences to the council was reduced.

Businesses were expected to keep their displays smart and clean and there was a requirement that outside furniture was not fixed in place so that it could be removed at night. The committee expressed its desire to support businesses when considering the saturation point of outside trading. To that end the committee asked questions and was satisfied that outside tables and chairs would have a requirement to be cordoned off and that there had to remain enough room around them for pedestrians to use the pavement safely.

The committee was encouraged to inform the Licensing team if any member was aware of any business in breach of its licensing objectives.

Councillor Parker MOVED to vote on the recommendations which was SECONDED by Councillor Parker and:

RESOLVED, unanimously to:

- 1.1 Delegate authority to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery to do all things necessary to extend and continue to implement and operate the pavement licensing arrangements under the Business and Planning Act 2020, as amended, including but not limited to the determination of standard conditions which apply, determining applications, revocation of licenses and authorising officers to enforce and exercise these functions.
- 1.2 Set the fee for an application for a pavement licence at £100, which is the maximum fee permitted under the legislation for these licenses, such licenses to be granted for a period up to and including 30 September 2023.

13/22 **Licensing Act 2003 - Consultation: Review of London Borough of Croydon Statement of Licensing Policy including review of cumulative impact zones/policies and proposed introduction of a further cumulative impact area within the London Borough of Croydon Statement of Licensing Policy**

The Head of Environmental Health, Trading Standards and Licensing explained to the committee that the council was duty bound to produce a Statement of Licensing Policy and that this was to be reviewed every five years. The council's policy had last been reviewed in 2017, and so the committee was asked to approve the beginning of a consultation process on the proposed changes which would be brought back to the committee in November before being ratified by Council in December.

The committee had a general discussion around the consultation process seeking to ensure ward councillors were included, to which officers confirmed they would be. They also discussed Cumulative Impact Areas (CIAs) and that the committee felt it was not able to refuse alcohol licences to shops within them, to which officers explained that moral objections had to be licensing-based. The committee was assured that police were highly active in CIAs and that it gave them a review mechanism to home in on premises that caused crime and disorder problems if they arose.

The Chair MOVED to vote on the recommendations which was SECONDED by Councillor Herman and:

RESOLVED, unanimously to:

- 1.1. Agree to commence consultation on the statutory 5 year review of the Council's Licensing Policy under the Licensing Act 2003;

- 1.2. Agree to consult on the review of current Cumulative Impact Areas as set out in the Statement of Licensing Policy to assess whether or not these ought to be retained;
- 1.3. Agree to consult on the potential introduction of a new Cumulative Impact Area as detailed in section 3.24 of the report;
- 1.4. Agree that the consultation referred to in paragraphs 1.1-1.3 shall be for a period of 6 weeks as detailed in paragraph 4.1 of the report;
- 1.5. Note that the outcome of the consultation exercise will be reported back to Committee for further consideration and then onward recommendation to Full Council regarding adoption of the Councils' Statement of Licensing Policy including Cumulative Impact Areas, if any.

14/22 **Exclusion of the Press and Public**

The following motion was moved and seconded and:

RESOLVED:

“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 involved the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

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

15/22 **Part B Minutes of the Licensing Sub-Committee meeting held on 5 April 2022**

RESOLVED:

“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 involved the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

The meeting ended at 8.15 pm

Signed:

Date:

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