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Licensing Committee

Meeting held on Wednesday, 20 March 2019 at 6.32 pm in Town Hall

MINUTES

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

Also Present: Michael Goddard (Licensing Manager)
Kay Jones (Licensing Compliance Officer)
Jessica Stockton (Solicitor and Legal Advisor to the Committee)
Kieran Pantry-Melsom (Democratic Services).

Apologies: Councillors Bird and Councillor Neal (lateness) and Councillor Sirisena (substituted by Councillor Canning).

PART A

8/19 **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 January 2019 were agreed as an accurate record.

9/19 **Urgent Business (if any)**

There were no items of urgent business.

10/19 **Disclosure of Interests**

There were no disclosures.

11/19 **Application for Street Designation Order - London Local Authorities Act 1990**

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

The Licensing Manager introduced the item, explaining the process of designation for street trading and applying for street trading licences and the details of the application before the Committee. It was said that the premises was also within the saturation area.

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

Councillor Bird arrived to the meeting at approximately 6.39pm.

In response to questions from the Committee it was confirmed by the licensing manager that the Committee had previously deferred this application (21 November 2018) in order to enable the applicant to attend and make representations and then refused it following consideration at the deferred hearing (19 December 2018). The applicant was invited to attend each Committee but was not present when these decisions were made.

It was noted that there were 8 premises nearby on Thornton Heath High Street which were currently designated for street trading. In order to ensure premises as well as those operating with temporary licenses were not encroaching on the pavement or exceeding the designated (or proposed) area, officers do carry out checks across the borough and review whether they are adhering to the agreed conditions and parameters.

Members expressed concern about the granting of temporary licenses within a saturation zone pending consideration by the Full Committee, which could exacerbate existing concerns in those areas around the ability of users to safely navigate the pavements. Members asked officers to consider the matter and bring a future report to the Committee for consideration regarding potential solutions to these concerns.

Following discussion of the application in question by Members.

The Committee **RESOLVED**:

To refuse to designate 32-34 High Street, Thornton Heath for the purposes of street trading on the basis that the proposed site was within the saturation zone and the Committee was of the view 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. It was accordingly unnecessary to consider whether or not to grant or refuse a street trading license to the Applicant at this site.

12/19 **Rescinding Designation of Licensed streets/parts of streets - London Local Authorities Act 1990**

The Licensing Manager presented the report to the Committee. The Licensing Manager explained the purpose of the report and the provisions of the London Local Authorities Act 1990.

The Licensing manager then addressed Members on the proposed recommendations as set out in Section 1 of the Report. The sites which were recommended for de-designation were listed in Appendix 1.

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

The Committee heard that these sites were previously designated and were being suggested for de-designation because they were not being used by

traders. It was stated that no existing traders would lose their right to trade from those areas if the Committee approved the recommendations.

The Committee **RESOLVED** to agree to the recommendations of the report and give notice of its intention to rescind the designation of the sites listed at Appendix 1 to this report under the London Local Authorities Act 1990.

13/19 **Revision to Standard Licensing Conditions for Premises offering Special Treatments - London Local Authorities Act 1991**

The Licensing Manager was invited by the Chair to present the report to the Committee. The Licensing Manager explained the purpose of the report and the provisions of the London Local Authorities Act 1991 ("The Act").

The Licensing manager then addressed Members on the proposed recommendations as set out in Section 1 of the Report.

Members were referred to Appendix 1, the Standard Licensing Conditions for Premises offering Special Treatments, which were previously approved in 2004 and reviewed in 2011. There are a range of treatments offered under the definition of "special treatments", many of which have emerged since the Act was written and therefore the Act does not list them all. There are currently 156 licensed special treatment premises in the borough and a current list of special treatments is listed in Appendix 2 of the report.

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

The Committee heard that the training and hygiene of staff needed to be to a high standard for special treatment premises to be fit for business. Some of the amendments to the standard conditions included premises' providing documentation, to prove staff were qualified for the job and named operatives on licenses for those performing the treatments. It was also stated that having the correct information of customers' age and health was important to ensure treatments were safe and lawful.

Councillor Neal arrived to the meeting at approximately 7.15pm.

The Committee **RESOLVED** to agree the recommendations of the report relating to the revised/updated 'Standard Conditions for Places offering Special Treatments' under the London Local Authorities Act 1991.

14/19 **Special Treatments Licensing Fee Setting - London Local Authorities Act 1991**

The Licensing Manager was invited by the Chair to present the report to the Committee. The Licensing Manager explained the purpose of the report and the provisions of the London Local Authorities Act 1991.

The Licensing manager then addressed Members on the proposed recommendations as set out in Section 1 of the Report.

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

The Committee heard that the proposed fees were set based on the cost recovery principle and the cost breakdown was listed in Appendix 2 of the report.

The Committee **RESOLVED** to agree the recommendations of the report and the setting of Licence fees under the provisions of the London Local Authorities Act 1991 in respect of Special Treatment Licensing.

15/19 **Exclusion of the Press and Public**

This was not required.

The meeting ended at 7.51 pm

Signed:

Date:

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