

Licensing Committee

Meeting of held on Tuesday, 12 September 2023 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, CR0 1NX.

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillor Mohammed Islam (Vice-Chair);
Councillors Margaret Bird, Stuart Collins, Danielle Denton, Patricia Hay-Justice, Ian Parker, Ria Patel and Nikhil Sherine Thampi

Apologies: Councillor Kola Agboola, Sue Bennett and Nina Degrad

PART A

21/22 Minutes of the Previous Meeting

The minutes of the Licensing Committee held on 29 November 2022 were approved as an accurate record of the meeting.

22/22 Minutes of previous Licensing Sub-Committee Meetings

Members approved the minutes of Licensing Sub-Committee meetings held on:

- 20 December 2022
- 28 February 2023
- 14 April 2023
- 27 June 2023
- 12 July 2023
- 27 July 2023
- 15 August 2023

23/22 Urgent Business (if any)

There were no items of urgent business.

24/22 **Disclosure of Interests**

There were no items of urgent business.

25/22 **Pavement Licensing - The Business and Planning Act 2020**

Michael Goddard, Head of Environmental Health, Trading Standards and Licensing explained Pavement Licensing was national legislation introduced by the government in response to the impact of the Covid 19 pandemic on the hospitality industry. It provided a fast-track approach for businesses to apply for a licence to place seats outside of premises. The processing and management of these arrangements was via delegation previously granted by the Licensing Committee to the Corporate Director of Public Realm in 2020, and subsequently extended each year since. The delegation was now held by the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery until 30 September 2023. It was noted this legislation was likely to be made permanent in the future.

The report sought to extend the pavement licensing delegation to the Corporate Director, Sustainable Communities, Regeneration & Economic Recovery until 30 September 2024 and to approve the licence fee set at £100.

The Committee commented on the positive impact of the legislation in creating café culture and queried its impact on the Licensing Team's workload. Officers advised the turnaround time was tight and agreed the legislation had benefited businesses.

In response to questions officers advised if the delegation was granted, the Licensing Team would write to all licence holders informing them of the need to extend their pavement licence. Applications were processed in 14 days, with 7 days consultation period and 7 days processing. There had not been significant take up by businesses and pavement licence numbers were in the dozens.

The Committee queried what would happen if a business had not reapplied. Officers advised Temporary Street Trading Licences could be utilised as an interim arrangement if required and advised officers managed the enforcement of pavement licences.

In response to questions officers advised pavement or street trading licences were not usually required on private land.

The Committee queried how a flurry of applications in a particular area or district centre would be managed. Officers advised this was not expected, however the Licensing Team would respond to demand if it arose with site visits, checks and consultations.

The Committee queried the differences and overlap between Pavement Licensing and Street Trading Legislation. Officers advised Pavement Licensing was specifically introduced for hospitality businesses to place tables and chairs outside and did not cover the display of goods. Pavement Licences were cheaper than Street Trading Licences which had some impact on income.

The Committee **RESOLVED**, 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 and;

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 2024.

26/22 **London Local Authorities Act 1990 - Application for Street Designation Order x2**

London Local Authorities Act 1990 – Application for a Street Designation Order London Local Authorities Act 1990. The highway outside 780 London Road, Thorton Heath, CR7 6JB.

The Committee noted the application detailed at Appendix A had been withdrawn.

Councillor Hay-Justice joined the meeting.

The Chair explained the order of proceedings for the consideration of the street designation order application detailed in Appendix B.

Michael Goddard Head of Environmental Health, Trading Standards and Licensing advised the Committee under the London Local Authorities Act 1990 the council was able to licence the placement of goods, or tables and chairs, on the public highway outside premises or for market stalls. The Licensing Committee was first required to determine whether to designate the public highway for these purposes and secondly to determine whether to grant the street trading licence.

The application under consideration sought a display with dimensions of 3 meters length, 90 cm width and 1.1 meters height. The total distance between the shop front and the nearest obstruction, the kerb, was 3.4 meters which would allow 2.5 meters clear pedestrian passage were the designation granted. This was above the minimum space requirement of 2 meters. Photographs of the application site were available to the Committee at Appendix B1. The designation would be utilised to display fruit and vegetables Monday to Sunday 8am – 9pm. Council officers had visited the premises and confirmed the dimensions. The Licensing Team had consulted with Highways, Police and Planning colleagues and placed an advertisement in a local newspaper. There had been no comments or objections received. The premises currently had a temporary license, which provided the Committee with photographs of the display in situ to consider. Officers noted there were four other street trading designations in the immediate area and the application was in a saturation zone as illustrated by the map available at Appendix B4. The applicant had been made aware of this both verbally and in writing, this correspondence was available to the Committee at Appendix B5. Officers noted the policy was typically to refuse further applications in saturation zones but advised the primary concern with street trading should be safety on the public highway.

The Committee queried on what basis an area became a saturation zone. Officers advised it was primarily introduced for safety considerations where any addition to the number of existing designated sites could have a determinantal impact to the safe and convenient passage by pedestrians on that part of the street.

In response to questions from the Committee officers confirmed the pavement width measurement was from the shop front to the kerb at the edge of the pavement.

The Committee queried whether there were school children in the vicinity which at certain times could make the designation a hazard. Officers advised a visit had been completed during the day to take measurements and the minimum requirement was 2 meters, to allow space for pedestrians, wheelchairs, buggies etc. If it became apparent that there was an issue, this

would be dealt with through enforcement. The temporary license had been granted on 24 June 2023 for 6 months.

The Committee queried the time/day the photographs of the premises had been taken. Officers advised the photographs would not have been taken on a Sunday but on a weekday during the day.

The Committee queried whether the 2-meter requirement took into consideration the turning circle of a wheelchair. Officers advised the turning circle of a chair or buggy was not specifically considered, the requirement was safe passing.

The Committee asked if the designation were to be granted within the saturation zone, if this would set a precedent for more applications. Officers advised there were far busier street trading areas including Broad Green and Norbury nearby. A spate of further applications was not anticipated as the legislation and ability for businesses to apply was already in place. The policy was in place to ensure safety was considered and applications should be determined on individual merit.

The Committee suggested 4 licenses in the area was not too many. Officers advised of the distinction between pavement licensing and street trading licensing and noted designations would not expire whereas the licences were annual.

In response to questions officers advised the dimensions of every designation in the area would be dependent on their display and pavement dimensions. The 2-meter clearance requirement was consistent across all designations and the application under consideration had 2.5 meters.

The Committee queried whether regular rubbish from businesses seen in one of the photographs could be a consideration and if it were possible to ask the business to place rubbish elsewhere. Officers advised enforcement officers could discuss this with the applicant if this were to become a problem.

The applicant, Mr Ahmad was given the opportunity to speak. Mr Ahmad confirmed there was space for people to pass by the display and there had been no issues.

In response to questions from the Committee the applicant confirmed the display would support their business to thrive.

The Committee asked whether the applicant would consider lifting food up from the ground. The applicant advised they would display the food on a table instead.

In response to questions from the Committee the applicant confirmed they used the chair photographed to sit by the display and ensure no-one was stealing. The rubbish bags seen in the photographs contained cardboard and light rubbish, which was collected on a daily basis, otherwise the area was clean and clear. The Committee noted waste was usually collected 9.30am.

The Committee **RESOLVED**, to:

- 1.1 Designate the site detailed at Appendix B for the purposes of street trading.
- 1.2 Grant a street trading licence to the site.

The Chair informed the applicant their application had been successful and thanked them for joining the meeting.

The Chair thanked all participants for their contributions and for attending.

The meeting ended at 7.55 pm

Signed:

Date:

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