

Merton Council

Licensing Committee

Membership

David Simpson CBE (Chairman)

Stan Anderson

John Bowcott

Nick Draper

Philip Jones

Logie Lohendran

John Sargeant

Gregory Patrick Udeh

Ian Munn BSc, MRTPI(Rtd)

Debbie Shears

Linda Taylor OBE

Chris Edge

A meeting of the Licensing Committee will be held on:

Date: 27 February 2014

Time: 19:15

**Venue: Committee rooms B & C - Merton Civic Centre, London Road,
Morden SM4 5DX**

Merton Civic Centre, London Road, Morden, Surrey SM4 5DX

This will be followed by a meeting of the Licensing Committee (miscellaneous) to deal with any licensing matters which are not within the scope of the Licensing Act 2003.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3616.

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Licensing Committee

27 February 2014

1. Declarations of interest
2. Apologies for absence
3. Minutes of the meeting held on 4 September 2013 1 - 2
4. The designation of parts of the highway for the purposes of Street Trading 3 - 48
5. Proposal to Update April 2011 Statement of Licensing Policy 49 - 54
6. Review of CDZ/Crime data figures 55 - 56

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

Agenda Item 3

LICENSING COMMITTEE

7.15 TO 8.00 PM

PRESENT: Councillor David Simpson (Chairman), Councillors Stan Anderson, John Bowcott, Nick Draper, Philip Jones, Logie Lohendran, Ian Munn, John Sargeant, Linda Taylor, Gregory Udeh.

ALSO PRESENT: Marc Dubet (Environmental Health Manager), Susanne Wicks (Democratic Services Officer), Marcus Lavell (Jeffrey Green Russell Ltd).

1 DECLARATIONS OF PECUNIARY INTEREST

No declarations were made.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Debbie Shears.

3 MINUTES OF THE MEETING HELD ON 11 JUNE 2013

RESOLVED: That the minutes are agreed as an accurate record of the meeting.

4 THE DESIGNATION OF PARTS OF THE HIGHWAY FOR THE PURPOSES OF STREET TRADING

Prior to discussing the five applications for consideration, Councillor David Simpson reminded the Committee that applications should only be refused where there is good evidence to support the rejection.

With regard to the application for Aubaine, Councillor John Bowcott noted that the use of the outside area appears to be operating well, with no residents raising any concerns.

RESOLVED: To designate the following proposed street trading areas:

- 1) An area of 3m x 1.9m outside Rocher Noir 221 London Road Mitcham CR4 2JD.
- 2) An area of 5m x 0.8m (revised) outside Cedar Merton High Street Wimbledon SW19 1BA.
- 3) An area of 9m x 1.1m outside Morden Food Centre 17-18 Morden Court Parade London Road Morden SM4 5HJ.
- 4) An area of 8m x 0.8m (revised) outside Aubaine 18 High Street Wimbledon SW19 5DX.

5 LICENSING ACT 2003

Marc Dubet introduced this report and highlighted some of the main issues for the

1

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library, online at www.merton.gov.uk/committee or by using the contact numbers at the end of this volume.

LICENSING COMMITTEE

Committee's consideration. He invited comments and questions.

With regard to appeals of licensing sub-committee decisions, Marc Dubet advised that both appeals detailed in paragraph 2.7 of the report have been withdrawn following negotiation between the parties. He advised that Coral have undertaken to have two members of staff present on the premises from 7 am to 10.30 am and from 4.30 pm to close.

Marc Dubet advised that betting offices decide on staffing levels based on risk assessments, and one member of staff is often deemed to be appropriate, which may be contrary to the views of licensing authorities.

With regard to the Scrap Metal Dealers Act 2013, Marc Dubet advised that local authorities will be able to impose a fee for applicants, but the amounts have not yet been decided. He undertook to keep Councillor Nick Draper informed of the proposed charges.

Prior to considering the exempt appendix, the committee:

RESOLVED: That the press and public be excluded from the meeting during discussion of these items of business as it involves the likely disclosure of information relating to any action taken, or to be taken in connection with the prevention, investigation or prosecution of crime.

Councillor David Simpson asked that future reports also contain some comment from the Metropolitan Police on the data supplied. The committee also asked that figures for previous quarters are provided so comparison can be made.

Report received.

Committee: Licensing

Date: 27th February 2014

Agenda item:

Wards: All

Subject: The designation of parts of the highway for the purposes of Street Trading

Lead officer: Ian Murrell

Lead member: Cllr. Andrew Judge

Forward Plan reference number:

Contact officer: John Hillarby

Recommendations:

- A. That committee resolves to designate the proposed areas 1, 2, 3 and 6, and that committee resolves not to designate the proposed areas 4, 5 and 7.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report relates to requests for licence street designations and summarises comments received through a consultation process with interested parties.

2 DETAILS

- 2.1. The Street Trading Service has received 7 new applications from traders interested in utilising the highway for the purposes of street trading.

- 2.2. This report concerns the designation of 7 new trading pitches.

The areas:

- 1) An area of 7.8m x 0.8m outside Layla 33 High Street Wimbledon SW19 5BY
- 2) An area of 5.5m x 0.8m outside Manoto Super Market 134 Merton High Street Wimbledon SW19 1BA
- 3) An area 5.8m x 1m outside Riva Café 160 London Road Mitcham CR4 3LD
- 4) An area of 4.095m x 1.015m outside Greggs 54 London Road Morden SM4 5BE.
- 5) An area of 5.15m x 1.56m outside Greggs 36 Coombe Lane Raynes Park SW20 0LA.
- 6) An area extension from 5.63m x 1.0m to 5.63m x 1.5m, outside Costa Coffee 88 High Street Wimbledon SW19 5EG.
- 7) An area of 12m x 2.25m alongside The Old Frizzle 74-78 The Broadway Wimbledon SW19 1RQ (area in Kings Road).

- 2.3. Street Trading is regulated by the London Local Authorities Act 1990 as amended.

- 2.4. All street trading is administered and regulated by the Council using this legislative framework. There are two types of street trading licence. A permanent licence that is valid for 1 year and a temporary licence valid from 1 day to 6 months to facilitate market trading and temporary events. It is unlawful to trade on the street without a valid street trading licence.
- 2.5. A one year Street Trading Licence can only be granted for areas designated as licence streets.
- 2.6. Merton licences specific locations (pitches) within a street rather than the street as a whole. The designation of specific locations on the street as opposed to the entire street gives greater control to the Council in regulating street trading and its impact on the environment. Licences are renewable annually.
- 2.7. Comprehensive regulations are in place to facilitate regulation and enforcement of street trading in the borough and provide a framework for all aspects of trade. These regulations are included for information as Appendix C.
- 2.8. Street trading licence fees for the year 2013-2014 are shown in Appendix D.
- 2.9. Licence fees for the year 2014 – 2015 are currently out to consultation.

3 ALTERNATIVE OPTIONS

- 3.1 Designations shall not be granted.
- 3.2 Temporary licences can be issued where there are specific concerns.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The consultation process and consultees are defined by the London Local Authorities Act 1990.
- 4.2. Notices were placed in the Local Guardian newspaper advising the public of the consultations and requesting comments. Copies of the notices are included in Appendix A.
- 4.3. Notices were attached to street furniture in the immediate vicinity of the proposed areas.
- 4.4. As part of the consultation process comments were invited from both external and internal agencies such as, LBM Highways and LBM Licensing.
- 4.5. Ward councillors and residents groups in the area were invited to make representations.
- 4.6. **Ward Councillors Representations:** No representations received.
- 4.7. **Street Trading Service comments –**
 - 1) Layla - A temporary street trading licence has been in operation for several months outside the property. The previous incumbent of the premises also held a street trading licence and no complaints were received regarding the size of the area. A new application has been submitted as this area is longer than the previous designation. We have no concerns regarding this property. No objections have been received but the police have asked for the licensed times to be reduced (see Representations). This

would be dealt with under the terms of the licence rather than the designation of the area and is a measure we would support.

2) Manoto Super Market - A temporary street trading licence has been in operation for several months outside the property. There has been no cause for concern and the display is kept neatly contained within the racking. No objections have been received regarding the licence or designation.

3) Riva Café – We have no concerns with this area as it is a large section of public highway and there is sufficient room to accommodate the designation without impacting on pedestrian movement. A temporary licence has been in effect for several months with no complaints.

4) Greggs Morden – We would recommend against granting this designation as there is not enough space on the public highway to engage in trading without causing undue interference or inconvenience to persons using the street. This is a particularly narrow section of the highway where a large number of commuters access Morden Underground station and local bus stops. Although it just meets Merton's minimum width requirements, TfL as the highway authority, have recommended against the granting of a designation for the same reasons outlined above (see Representations). According to the plans submitted the proposed tables and chairs would not in themselves fit into the area, meaning that once in use they will pose an obstacle for pedestrians.

5) Greggs Raynes Park – We would recommend against granting this designation as there is not enough space on the public highway to engage in trading without causing undue interference or inconvenience to persons using the street. The site already has the benefit of a private forecourt area of 0.7m which is sufficient to place a small table and chairs in. Although a wide pavement at this point, doubling the size of the area would have a direct impact on the busy crossing point opposite and at peak times this could impact on pedestrian safety. The pavement at this location has been specifically altered to accommodate the pedestrian crossing.

6) Costa Coffee – We see no issues with this particular site. The establishment next door has used an area of the same width for several years with no major impact on the highway.

7) The Old Frizzle - Following a site inspection there were several concerns raised regarding the details of the application:

a) Due to the placement of a fixed local authority bin (and several other pieces of street furniture/access panels) the distance between the edge of the proposed area and the bin provided only 0.6m clearance for pedestrians. This does not meet our minimum requirements of 1.5m clearance. Our Highways Department suggested an alteration to allow sufficient clearance for pedestrians.

b) The site itself is detached from the main building. Seating areas are the responsibility of the operator and are typically monitored by staff. The proposed area is not visible from any part of the internal bar area and thus will prove very difficult to monitor.

c) The police have asked for the licensed times to be reduced (see Representations). This would be dealt with under the terms of the licence rather than the designation of the area.

The applicant accepted the reduction in area size and offered to install CCTV in the area. Although we feel this is a positive response from the applicant we feel it would not fully address the lack of visibility between the bar and the proposed area. Any issue of antisocial behaviour or similar would require staff to actively monitor the CCTV coverage. A direct line of sight would be preferable as with other designated areas.

There has been a significant local response to the application which indicated a strong resident belief that there is insufficient space on the highway. We feel a designated area at the proposed location would be inadvisable due to a lack of space and the potential for anti-social behaviour.

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1. The cost of placing notices in the local Guardian is accounted for in the licence application procedures in place.
- 5.2. Regulatory and enforcement costs will be met from within the street trading budget.
- 5.3. These sites offer the potential to add significant funds to the Street Trading budget.

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. Part III of the London Local Authorities Act 1990 (as amended), hereinafter in these implications referred to as the "Act", regulates trading on the street and provides a statutory consultation framework.
- 6.2. Unless provided for in the Act, Section 23 states that it is unlawful for a person to engage in street trading in any licence street within a borough unless the person is authorised to do so by a street trading or a temporary licence.
- 6.3. Under section 21 of the Act a street trading licence means a licence granted for no less than 6 months and no more than 3 years. Regulations made by the London Borough of Merton pursuant to section 27(3) of the Act prescribe that these types of licences are only granted for a year. Temporary licences are defined as licences granted for a single day or such period as may be specified in the licence not exceeding 6 months.
- 6.4. It would also be unlawful for street trading to take place if the street or part of the street that is being licensed for these purposes have not first been designated by resolution as a "licence street" pursuant to section 24 of the Act.
- 6.5. Section 24(4) to (8) of the Act prescribes the consultation process which has to be carried out before a resolution can be passed to designate a licence street and this process has been carried out by the council. This includes the advertisement in a local newspaper, service of notice on the local Highway Authority, and receipt of the necessary consent from the local Highway Authority.
- 6.6. The officer recommendation in this report is for the committee to grant 4 of the designations and refuse 3. The Committee should decide to grant or refuse the

designations after considering the officer recommendations, representations that have been made and all relevant facts before them.

6.7. Under section 24(3) if a borough council passes a designating resolution the designating of the street takes effect on the day specified in the resolution. This date must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.

6.8. Under section 24(10) the borough council has to publish a notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks. Under section 24(11) the first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

7.1. It is important that the Council carefully considers all the representations made during the consultation process.

8 CRIME AND DISORDER IMPLICATIONS

8.1. Enforcement and advisory visits will be made regularly to the premises to ensure compliance with licence terms and conditions. The police are consulted on all applications for designations.

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

9.1. Failure to discharge its duties under the Act and make proper regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.

10 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Public Consultation Notice
- Appendix B - Plans and photographs of proposed areas
- Appendix C – Street Trading Regulations
- Appendix D – Street Trading Licence Fees
- Appendix E – Representations

11 BACKGROUND PAPERS

11.1. None.

Appendix A

LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 1 area (hereinafter referred to as "the street") as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence, and 3 licence applications for existing areas.

- 1) An area of 7.8m x 0.8m outside Layla 33 High Street Wimbledon SW19 5BY. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 11am – 12am Sunday – Thursday and 8am – 12am Friday and Saturday. **Reference DR.2013.011.**
- 2) The Council has been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering van outside 2 Endeavour Way Wimbledon SW19 7BD 5.30am – 6pm. Monday to Sunday inclusive. **Reference DR.2013.012.**
- 3) The Council has been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of catering van in Wandle Way Mitcham CR4 4NB 6am – 5pm Monday to Friday inclusive. **Reference DR.2013.013.**
- 4) The Council has been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of an '&Pasta' food stall in Hartfield Pathway (off of The Broadway) Wimbledon SW19 1QD 6am – 5pm Monday to Friday inclusive. **Reference DR.2013.014.**

If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Trading Standards, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the 31st October 2013. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as a licence streets and whether to issue licences for street trading.

Dated this the 3rd October 2013

LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 2 areas (hereinafter referred to as "the street") as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence, and 1 licence application for an existing area.

- 1) An area of 5.5m x 0.8m outside 134 Merton High Street Wimbledon SW19 1BA. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of fruit and vegetables in racking on the designated site 8am – 10pm Monday to Sunday inclusive. **Reference DR.2013.015.**
- 2) The Council has been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs in an area 5.84m x 0.71m outside Hot Pink 86 The Broadway London SW19 8.30am – 11pm. Monday to Sunday inclusive. **Reference DR.2013.016.**
- 3) An area 5.8m x 1m outside Riva Café 160 London Road Mitcham CR4 3LD. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 6.30am – 4pm Monday to Sunday inclusive. **Reference DR.2013.017.**
- 4) **AMENDMENT - THIS NOTICE PREVIOUSLY SHOWED AN INCORRECT TIME:** An area of 7.8m x 0.8m outside Layla 33 High Street Wimbledon SW19 5BY. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 11am – 12am Sunday – Thursday and 8am – 12am Friday and Saturday. **Reference DR.2013.011.**

If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Trading Standards, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the 8th November 2013. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as a licence streets and whether to issue licences for street trading.

Dated this the 11th October 2013

LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 4 areas (hereinafter referred to as "the street") as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence.

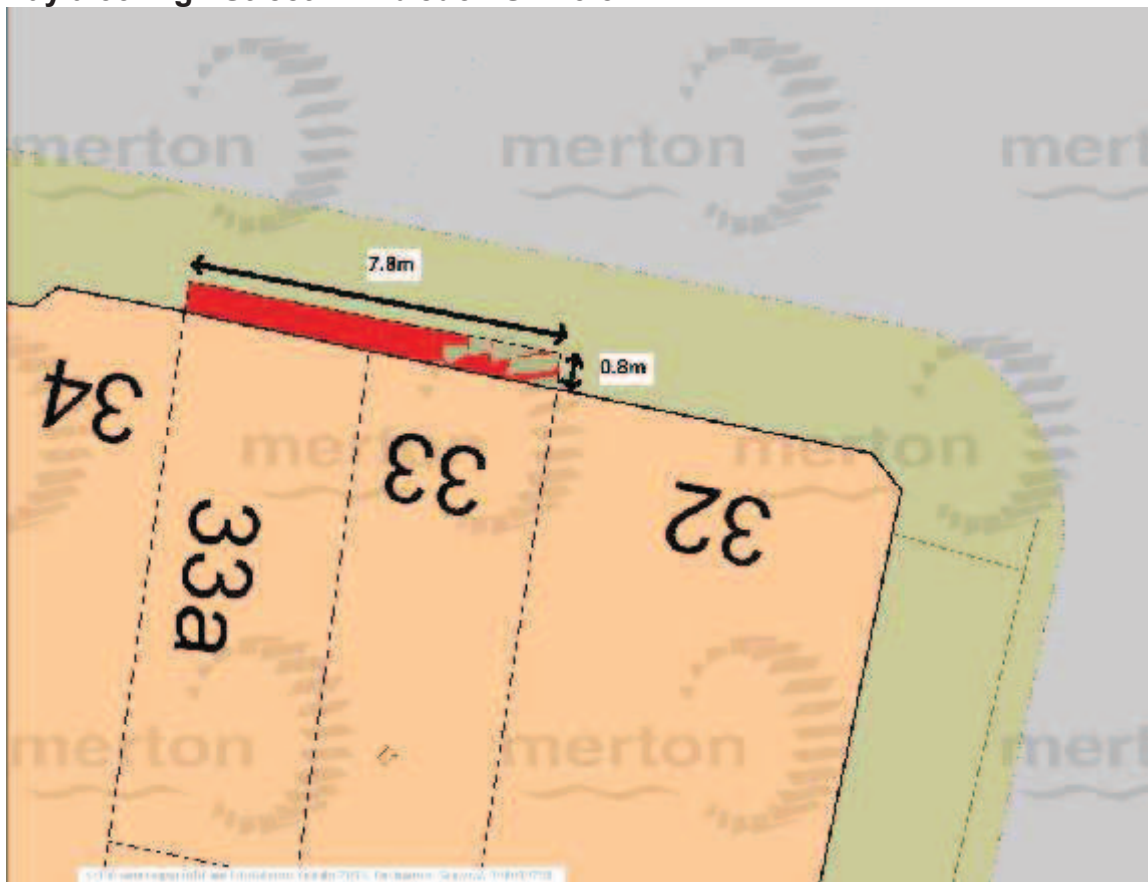
- 1) An area of 4.095m x 1.015m outside Greggs 54 London Road Morden SM4 5BE. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 7am – 6pm Monday - Sunday inclusive. **Reference DR.2014.001.**
- 2) An area of 5.15m x 1.56m outside Greggs 36 Coombe Lane Raynes Park SW20 0LA. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 7am – 6pm Monday - Sunday inclusive. **Reference DR.2014.002.**
- 3) An area extension to 5.63m x 1.5m outside Costa 88 High Street Wimbledon SW19 5EG. The Council has also been requested to vary a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 6am – 7.30pm Monday – Friday
7am – 7.30pm Saturday
8am – 6.30pm Sunday. **Reference DR.2014.003.**
- 4) An area of 12m x 2.25m alongside The Old Frizzle 74-78 The Broadway Wimbledon SW19 1RQ (area in Kings Road). The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site:
11am – 11pm Monday – Wednesday
11am – 12am Thursday- Friday
10am – 12am Saturday
10am – 12.30am Sunday **Reference DR.2014.004.**

If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Trading Standards, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the 13th February 2014. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as a licence streets and whether to issue licences for street trading.

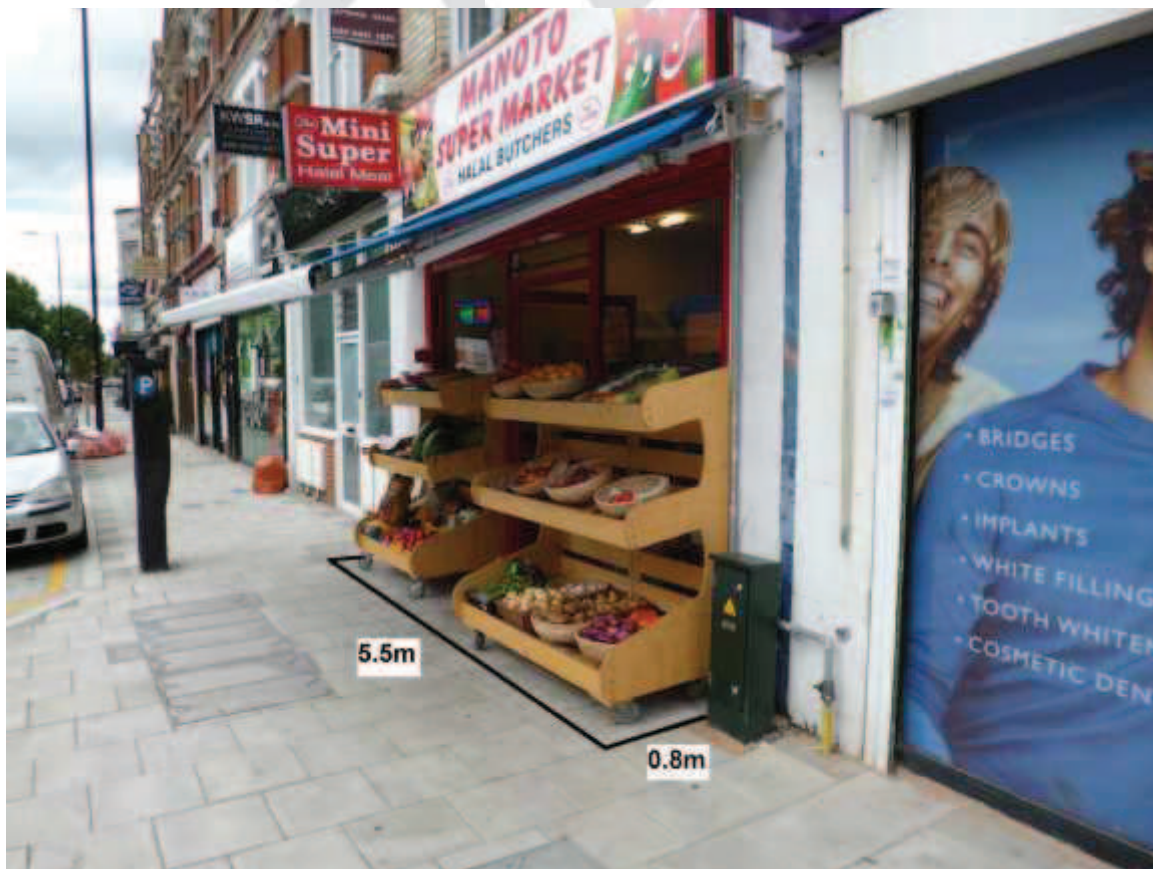
Dated this the 16th January 2014

Appendix B

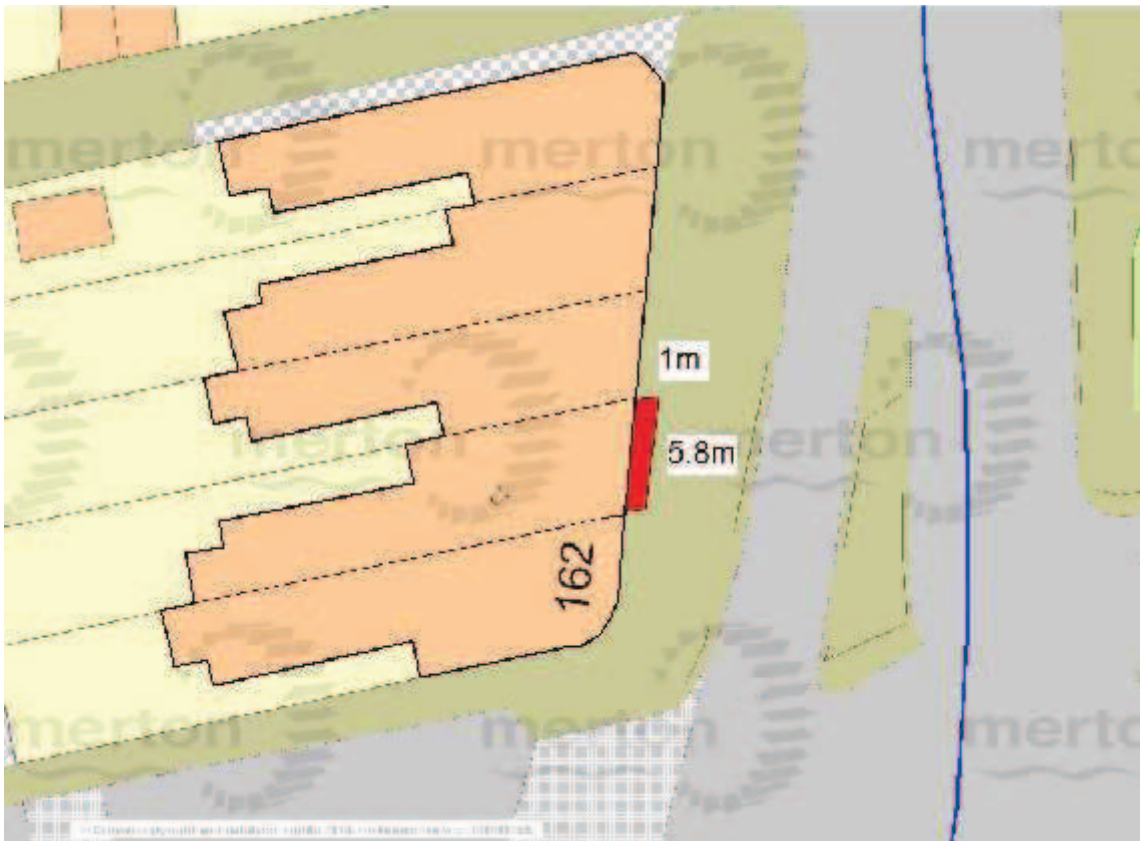
Layla 33 High Street Wimbledon SW19 5BY



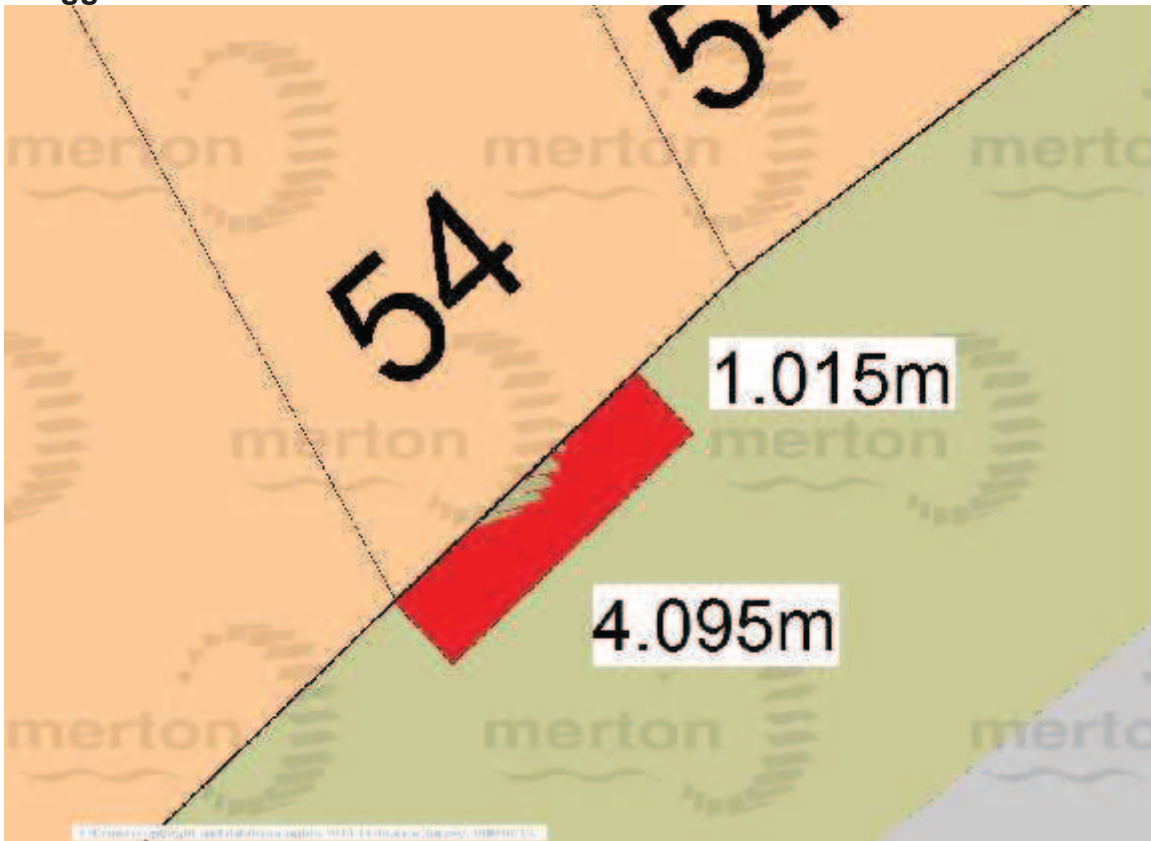
Manoto Super Market 134 Merton High Street Wimbledon SW19 1BA



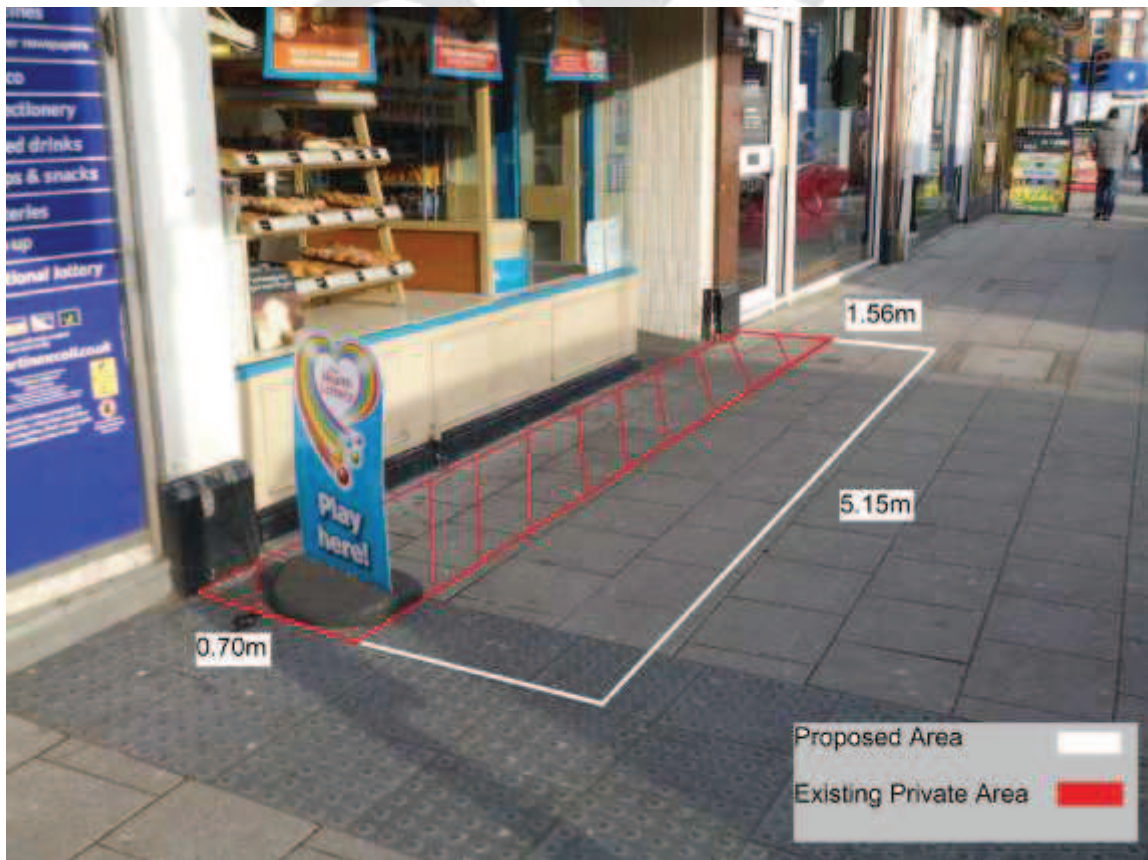
Riva Café 160 London Road Mitcham CR4 3LD.



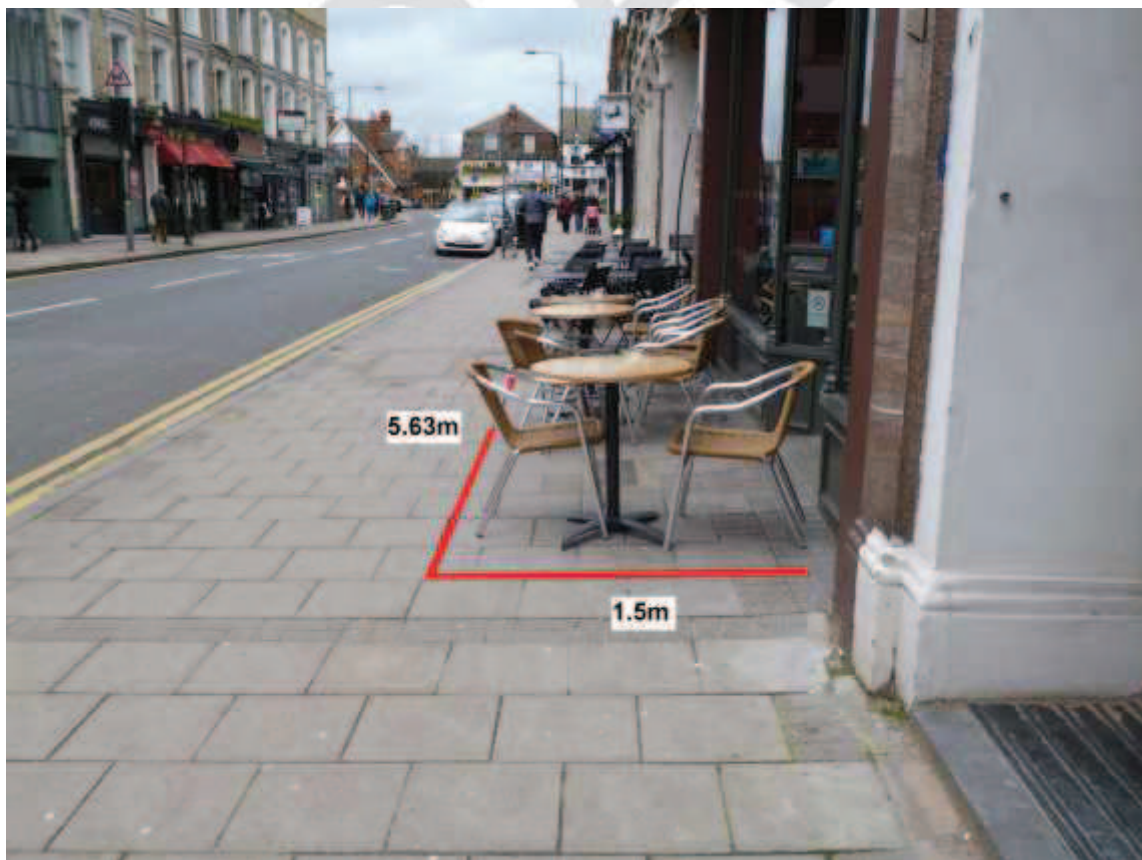
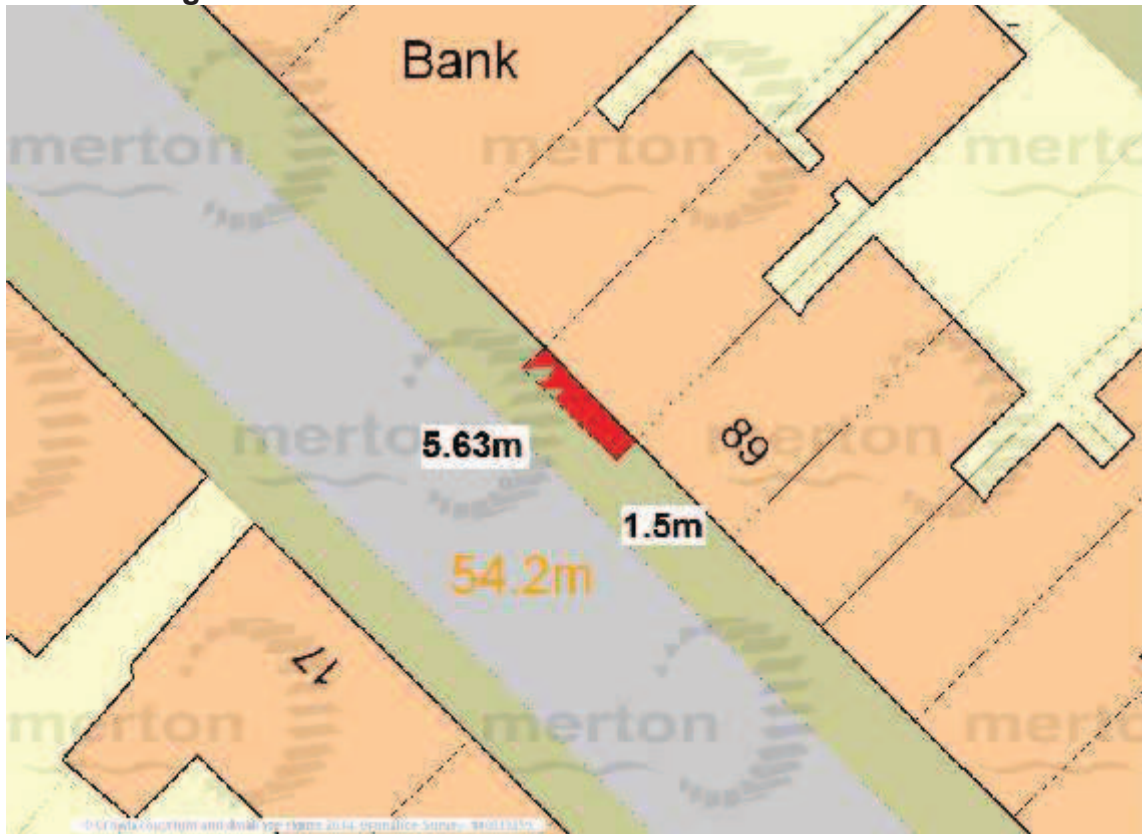
Greggs 54 London Road Morden SM4 5BE



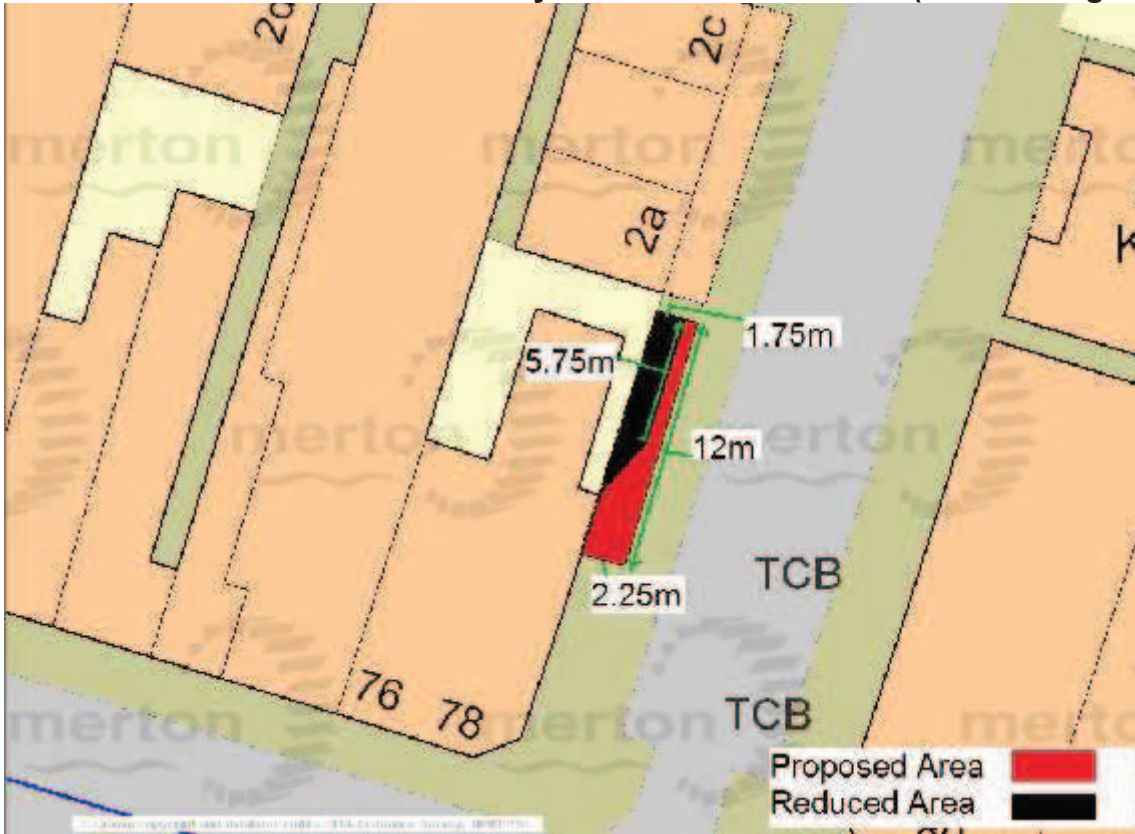
Greggs 36 Coombe Lane Raynes Park SW20 0LA



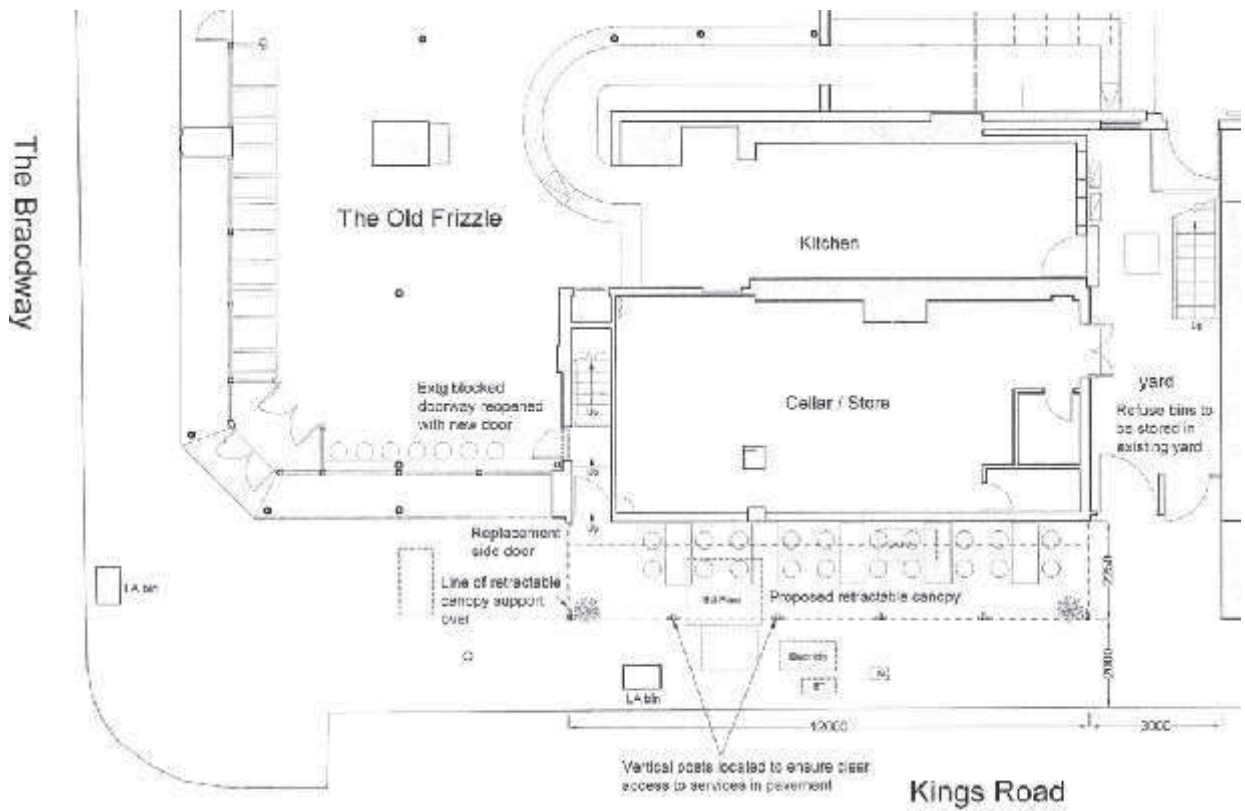
Costa 88 High Street Wimbledon SW19 5EG



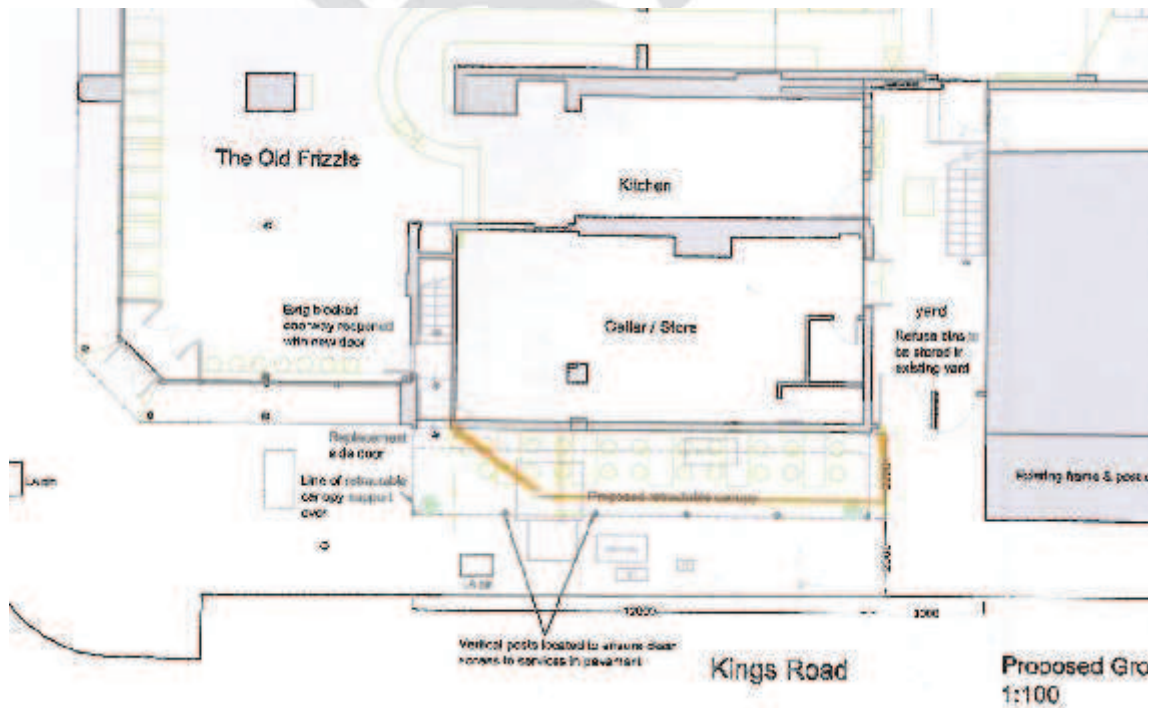
The Old Frizzle 74-78 The Broadway Wimbledon SW19 1RQ (area in Kings Road).



Plan showing area applied for at The Old Frizzle



Plan showing suggested alterations (orange) by LBM Highways



Appendix C

REGULATIONS MADE BY THE LONDON BOROUGH OF MERTON PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO STREET TRADING LICENCES.

DEFINITIONS

In the Regulations unless the context otherwise requires, the following expressions shall have the same meanings that appear in Section 21(1) of the London Local Authorities Act 1990 as amended.

'**Receptacle**' includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adopted for such use) as a container for or for the display of any article or thing or equipment used in the provision of any service.

'**Street**' includes:-

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a Local Authority under Part II of the Housing Act 1985:

'**Street Trading**' means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.

'**Street Trading Licence**' means a Licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years.

'**Temporary Licence**' means a Licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.

THE FOLLOWING ARE THOSE DEFINED BY THE COUNCIL

'**The Act**' means the London Local Authorities Act 1990 Part III as amended.

'**The Council**' means the London Borough of Merton.

'**Advertisement**' means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

'**Assistant**'

(a) means a person employed by, and acting under the directions of a Licence Holder to assist him/her about the business of the stall, whether for reward or not and includes a person directed solely or otherwise to transport the Licence Holder's stall.

(b) where a Licence is granted outside a catering establishment or shop premises; 'assistant' shall also include any other employee, manager, secretary, director, partner,

supervisor or the like who may from time to time or full time be involved in the street trading activity including those engaged in the completion of a transaction within the premises.

'Authorised Officer' means any officer of the Council authorised in writing by the Council's Director of Environment and Regeneration to carry out any function under the Act or these Regulations acting within the terms of such authorisation.

'Awning' includes a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall and includes parasols provided to tables outside catering establishments.

'Catering Establishment' means any premises used for the retail sale of food or drink for consumption on the premises, where the Council has licensed a site for tables and chairs to be provided for customers' use on the street.

'Child' means a person under compulsory school leaving age as in the Education Act 1996 or successor and includes a baby/child of pre-school age.

'Goods' means any goods, wares, or merchandise displayed for sale at a stall or Licensed Site.

'Harassment' includes but is not limited to:-

- (a) Violence or threats of violence towards any person;
- (b) Abusive or insulting words or behaviour;
- (c) Damage or threats of damage to property belonging to another person;
- (d) Writing threatening, abusive or insulting graffiti;
- (e) Any act or omission calculated to interfere with the peace or comfort of any person or to inconvenience such person;
- (f) Refusal to serve or permit access to a stall, licensed site, premises or services.

'Licence' means a valid Street Trading Licence or a valid Temporary Licence.

'Licence Holder' means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990 as amended.

'Licensed Site' means a place in any authorised street at which street trading may be engaged in by a Licence Holder, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

'Loading and Unloading' includes stocking or replenishing goods at a Licensed site, vehicle or receptacle.

'Refuse' includes empty and discarded receptacles and any waste material.

'Stall' means the structure for which the Council grants a Licence for goods or services to be displayed thereon or from which services are provided.

'Street Furniture' includes seating facilities provided by the Council for public use, bollards, stanchions, railings, the walling of flower beds and any structure owned by a statutory undertaking or the like.

'Undressing the Stall' means removing goods and receptacles and any other things thereon in part or in whole or dismantling or adjusting any part of the stalls' structure.

'Approved Street Festivals' means those street festivals whereby the Council may issue temporary Street Trading Licences.

'Displays Outside Shop Premises' means where the Council has granted a Licence to display goods from a stall or licensed site on the footway immediately outside the shop premises.

'Refreshment Stalls' includes coffee stalls and those selling foodstuffs capable of immediate consumption.

'Traditional Stalls' includes those licensed to sell garments, hardware and raw foodstuffs.

GENERAL

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act. The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include General Health and Safety, Food Safety, Trading Standards and Fire Prevention and Highways Regulations.

INFORMATION

(i) Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.

(ii) Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so specified.

(iii) These conditions may be dispensed with or modified by the Council in any individual case by means of a Licence Variation in accordance with the statutory requirements.

(iv) If a trader wishes any of the terms of a Licence to be varied or the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.

(v) These regulations replace the regulations previously approved by the Council.

1. INSURANCE

(a) The Licence Holder shall take out third party insurance cover with a minimum liability of at least two million pounds.

(b) In respect of Licences granted for the display of goods outside shop premises and tables and chairs outside catering establishments this may be incorporated in an insurance policy of the business.

(c) Satisfactory evidence of such insurance must be produced to the Council before a Licence will be granted or renewed.

(d) Evidence of such insurance shall also be produced by a Licence Holder on demand to an Authorised Officer of the Council or a Police Officer.

2. DAYS AND TIMES

A Street Trader shall only engage in Street Trading on the days of the week and during the times specified in the Licence or otherwise authorised by the Council except that there shall be no trading on Christmas Day. Markets do not operate on Sundays and Public Holidays.

3. DISPLAY OF NAMES

Licence Holders except in respect of displays of goods outside shop premises and tables and chairs outside catering establishments shall prominently display a sign with their surname or family name and licensed Site or Licence Number on the stall. Additionally they may exhibit a trading name or title.

4. CHARGES AND FEES

(a) Charges for a Street Trading Licence shall be payable to the Council annually in advance. A Street trading licence will be valid for 12 months. Fees and charges will be set by the Council from time to time. In making any payment the Street Trader shall ensure that the appropriate invoice and account numbers are recorded.

(b) Charges for a Temporary Licence shall be payable each day in advance or for such periods as shall be specified in the Temporary Licence. An Authorised Officer shall decide the charges in accordance with the rates set by the Council from time to time.

(c) A Street Trader shall pay all charges for any Licence in force that has been issued at his request whether or not he engages in Street Trading.

(d) In accordance with Section 32(1) of the Act a fee shall be paid for the grant or renewal of a Street Trading Licence, but not a Temporary Licence, and for any variation of a Licence at the request of the Street Trader.

5. LICENCE AND INSPECTION OF LICENCE ETC.

(a) Licence Holders shall produce their Licence for Inspection when requested to do so by an Authorised Officer of the Council or Police Officer.

(b) In respect of displays outside shop premises and catering establishments the Licence shall be exhibited within the premises in the safe vicinity of the entrance so that it can be seen by an Authorised Officer of the Council or Police Officer.

(c) Where the Council has issued a Certificate of Variation to a Licence that shall be produced and displayed with the Licence.

(d) All other Licence Holders in their absence shall ensure that the Licence is retained on the stall so that it can be produced by an assistant on demand to an Authorised Officer of the Council or Police Officer.

(d) If alcoholic beverages are consumed at a licensed site, the Licence Holder or Assistant shall produce on demand, where appropriate, licenses that are required by the Licensing Act 2003 to an Authorised Officer of the Council or Police Officer.

(e) Once issued to a Street Trader a Licence shall remain in force until the expiry date indicated therein or until revoked by the Council in accordance with the Act.

(f) Where, in accordance with Section 26 of the Act, the holder of a Street Trading Licence has nominated a relative as his successor and that holder dies then the nominated successor may continue to engage in Street Trading within the terms of that Licence for a maximum period of 28 days provided that successor pays any charges due.

(g) On the death or retirement through age or ill health of a Licence holder, the Council may issue a Licence to a nominated relative to trade from the Licensed Pitch shown in that Licence in accordance with Section 26 of the Act. For the purposes of Section 26 of the

Act a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half daughter of the former and shall be deemed to be so related notwithstanding that he is so related only through illegitimacy or in consequence of an adoption.

6. POSITION

- (a) The Licence Holder shall only use the licensed site prescribed in the Licence (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 6(e) shall arise.
- (b) The Licence Holder shall not cause or permit stalls, goods, receptacles; (except refuse containers under Regulation 16c) to project whether grounded or suspended beyond the licensed site or to be placed or to stand anywhere else in the street.
- (c) In respect of catering establishments, tables and chairs shall not be placed or used outside of the site defined in the Licence. This may be denoted by the Council marking the boundary by White Lines or other means.
- (d) The Licence Holder or Assistant shall inspect the licensed site whilst in use at least every hour to ensure that tables and chairs are not outside of the licensed area.
- (e) If the licensed site is obstructed by roadworks or other hazard the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence Holder.

7. SIZE

- (a) The Licence Holder shall not place or cause to be placed on the street, a stall that exceeds the dimensions prescribed in the Street Trading Licence.
- (b) Stalls shall not exceed the dimensions unless prescribed in the Street Trading Licence.
- (c) Market stalls shall not exceed 3 metres by 3 metres (10 feet by 10 feet) or other dimension as specified in the Street Trading Licence.
- (d) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- (e) Displays outside shop premises shall not exceed the size prescribed in the Street Trading Licence. The Council will take into account any private forecourt and the available depth of footway.
- (f) In respect of catering establishments the number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence.
- (g) The sizes of tables and chairs and parasols shall not exceed those prescribed in the Licence.

8. PERMITTED GOODS AND SERVICES

- (a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.
- (b) In respect of displays outside shop premises, cash registers, scales and other measuring devices shall be contained within the shop and not brought onto the street, licensed site or the stall.
- (c) No advertisement shall be displayed on a stall or licensed site which relates to any goods or services other than those offered for sale or provided on the stall or licensed site.
- (d) A Street Trader shall not cause or permit a nuisance to be created by noise or smell emitted from the Licensed Pitch or type of display.

9. DEALING WITH THE PUBLIC

- (a) Licence Holders and their assistant shall ensure that the public are treated fairly and with courtesy.
- (b) Licence Holders are responsible to ensure that assistants are competent, courteous and helpful.
- (c) Admission or service shall not be refused to any person on the grounds of gender, race, ethnic origin or the grounds of sexual orientation.
- (d) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business that will cause harassment to any person on the grounds of their disability, skin colour, religion, gender, age, sexual orientation and so on.
- (e) The serving of customers shall not take place in the road.
- (f) A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licensed area.
- (g) All goods shall be clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply.
- (h) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthest point from passing vehicular traffic.
- (i) The customer should clearly be able to view the goods being weighed, measured etc. before they confirm their intention to purchase.
- (j) In respect of goods selected by customers from displays outside shops the requirement in Regulation 8(i) shall be carried out within the shop premises.
- (k) A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- (l) Radios or other audio equipment shall not be used in or around the licensed site other than by written agreement of the Council.

10. RECEPTACLES & CONSTRUCTION OF STALL

- (a) Only those receptacles approved by the Council shall be used by the Licence Holder and assistants. Stalls shall not be formed by the use of old milk crates and the like and other receptacles notified to the Licence Holder by letter.
- (b) Goods must not be placed directly on the street unless specified in the Licence.
- (c) Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street a suitable trolley to remove the goods shall be maintained within the shop.
- (d) Stalls shall be constructed so as not to become unbalanced or otherwise unstable.
- (e) Stalls shall be maintained in good order and free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- (f) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street.
- (g) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- (h) Sites licensed for the displays of goods outside shop premises shall not incorporate any form of seating facility, nor may any seating be used or provided by the Licence Holder or assistant immediately outside the licensed site or elsewhere in the street other than on a private forecourt associated with the business.
- (i) Other Licence Holders shall not provide or use any form of seating facility outside of the licensed site (other than street furniture provided by the Council for public use) unless they have the written consent of the Council. Such permission may restrict their use to the Licence Holder and assistants and prescribe the number of seats, their construction, size, and positioning together with other conditions.

11. ROOFING OF STALLS ETC.

- (a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- (b) A Licensed Street Trader shall not permit the awning or roof of the stall to project outside the area of the pitch, save as provided in Regulation 11(c).
- (c) The awning or roof of a stall may project over the footway for a distance not exceeding 0.6 metres from the boundary of the pitch unless otherwise specified or restricted by a further condition of the Licence.
- (d) The roof or awning shall be safely constructed and must not shed water over customers or passers by.
- (e) No awning other than a parasol may be used as part of a stall for displays outside catering establishments.
- (f) A Street Trader, or his Assistant, shall immediately remove any Awning on the instruction of an Authorised Officer or a police constable and shall, in any case, remove any Awning outside the permitted hours for Street Trading.

12. ELECTRICITY SUPPLY ETC.

- (a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power for the operation of electronic scales, measuring equipment and cash registers and the testing of electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.
- (b) Where the Council provides an electrical supply system to the stall, the trader shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.
- (c) All electric power supplies shall have the appropriate consent from the Council before seeking installation from the Electricity Board.
- (d) All electrical wiring and components shall comply with the basic Electricity Board Specification and be earthed and insulated accordingly.
- (e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.
- (f) Any suspended lighting shall be safely protected and shall not expose the public, Licence Holder or assistants to any form of risk.
- (g) In respect of displays outside shop premises and catering establishments, mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.
- (h) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.

13. GENERATORS

- (a) Electrical generators shall not be used at displays outside shop premises and catering establishments.
- (b) When mobile electrical generators are permitted they shall be so positioned that:-
 - (i) they do not present a danger to the public, and
 - (ii) they do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and

- (iii) they do not cause any noise or fume nuisance, and
- (iv) any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- (c) Heat producing equipment shall be so placed within the licensed site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be agreed with the Council in writing.

14. LOADING AND UNLOADING

- (a) Any cart, barrow, trolley or similar conveyance owned or hired by the Licence Holder or assistant shall not be used except for the purpose of loading, unloading and transporting goods.
- (b) Loading and unloading shall be restricted to twenty minutes and resumption shall not occur until a further hour has elapsed.
- (c) Loading and unloading must not be continually interrupted by the serving of a customer.
- (d) The cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at the storage facilities or in respect of displays outside shop premises within the shop premises and not on the street.
- (e) Loading or unloading shall be abandoned for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.
- (f) The Licensed Street Trader or his assistant shall not use a vehicle for loading or unloading at or near the licensed site unless it can lawfully be there.
- (g) Licence Holders or assistants shall replenish displays outside shop premises from stocks held within the shop premises and not directly from any vehicle.
- (h) A Street Trader, or his Assistant, shall ensure that there is no undue obstruction of vehicular or pedestrian traffic whilst re-stocking the Licensed Pitch or loading and unloading Goods or other articles used for or in the course of Street Trading. When, in the opinion of an Authorised Officer or a police constable, there is likely to be undue obstruction of vehicular or pedestrian traffic the Street Trader, or his Assistant, shall immediately cease re-stocking, loading or unloading and within 15 minutes clear any Goods or other articles used for or in the course of Street Trading or for re-stocking, loading or unloading from any position in the Street other than within the Licensed Pitch.
- (i) A Street Trader, or his Assistant, shall not place, keep or use a vehicle at or near his Licensed Pitch in contravention of any legal parking or loading restrictions nor shall a Street Trader, or his Assistant, place, keep or use a vehicle at or near his Licensed Pitch which does not display a current disc showing that any road tax, or similar, has been paid.

15. REMOVAL OF STALLS ETC.

- (a) Licence Holders and their assistants shall remove stalls, goods, tables and chairs and anything else under their control as directed for so long as may be necessary.
 - (i) In the event of an emergency and this shall include any public demonstration, congregation or disorder in the area, whether or not instructed by an Authorised Officer of the Council or Police Officer;
 - (ii) In the exercise of the Council's powers and duties which include the maintenance of the licensed site, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations and
 - (iii) To enable statutory undertakings to maintain their services;
 - (iv) In order to accommodate customers confined to wheelchairs outside catering establishments the Licence Holder or assistants shall remove any surplus chairs, for the time being, to the place of storage

(b) Stalls, goods, tables and chairs etc. shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.

(c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.

(d) A Licence Holder in respect of shop premises shall remove the stall(s) and goods on the cessation of trading and before closing the shop premises.

(e) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.

(f) A Licence Holder upon production of Proof of Ownership may claim from the Council within 14 days of it coming into the Council's possession and without penalty (providing that it is not otherwise this subject of Legal Proceedings or a Seizure Order) anything that:-

(i) not being within a licensed site was removed by an Officer of the Council because in their opinion it was a hazard or the like to the public;

(ii) otherwise came into the Council possession and was identified as possibly being associated with the activity of Street Trading.

16. PROVISION OF STALL BY THE COUNCIL

(a) The Licence Holder shall use any stall provided by the Council.

(b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not wilfully or otherwise cause to it any damage.

(c) The stall must either be on the licensed site, in the storage unit or in the course of being transported to and fro. It shall not be used for street trading or any other purpose elsewhere.

(d) The stall when not in use shall be placed within the storage unit provided by the Council.

(e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.

(f) The Licence Holder shall keep the storage unit free from accumulations of refuse.

(g) The Licence Holder shall make the storage unit available for inspection by an authorised Officer of the Council and to enable its general maintenance.

17. REFUSE

(a) In respect of traditional sites the Licence Holder and assistants shall ensure that all refuse arising as a result of the activities shall be placed in suitable covered containers provided by the Licence Holder exclusively for that purpose.

(b) Such refuse containers shall be kept as clean as is reasonably practicable.

(c) Refuse containers shall be sited in a location agreed with the Council. They shall be emptied whenever necessary into any vehicle, container, compactor, or place provided by the Council for that purpose.

(d) Licence Holders and their assistants, in respect of footway displays outside shop premises and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of as part of the shop business.

(e) No refuse shall be allowed to accumulate or be placed in the street.

(f) No vehicle shall be used for the storage of such refuse.

(g) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.

(h) In respect of catering establishments the licence holder shall also remove from tables any used and discarded receptacles.

18. ATTENDANCE BY LICENCE HOLDER

(a) Traditional Licence Holders must be in attendance throughout the whole or part of the day that the stall is set up for trading unless engaged on the following:-

(i) A meal break or visit to the toilet.

(ii) Sickness of short duration.

(iii) Hospital, dental or doctor's appointment.

(iv) Occasional attendance at the office of an accountant, tax inspector, bank or Council cash office.

(v) On holiday.

(vi) Or for any other sufficient reason that may be approved by the Council from time to time.

(b) In respect of displays outside shops and catering establishments the Licence Holders usual place of work shall be within the premises.

(c) At approved Street Festivals the Licence Holder shall be in attendance at the stall throughout the event save that prescribed in 18(a)(i).

(d) No Licence Holder shall sub-let the stall or any part of the stall or the licensed site, or install a manager to operate the Licence.

(e) A Licence Holder if required by an Authorised Officer and/or Solicitor to the Council shall furnish the Council with a Medical Certificate obtained at the Licence Holders own expense or other documentary evidence to support the reasons for any continual or repetitive absences.

19. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.

(a) The Licence Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be by letter or on a form prescribed by the Council.

(b) The Licence Holder shall give any other information regarding assistants as required by the Council.

(c) A Licence Holder shall not have as an assistant any child in the business of street trading including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity.

(d) A Licence Holder and assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.

(e) The failure of an Assistant to comply with the conditions of the Street Trading Licence held by the employer shall be deemed to be a failure by the Licence Holder.

20. ADMINISTRATION

(a) Licence Holders and assistants must give every reasonable assistance to Council Officers and their contractors in carrying out their duties.

(b) A Licence shall cease to have effect (*other than being revoked or having expired or on the death of the trader*) only upon it being surrendered by the Licence Holder in exchange for a written receipt at the Council's Trading Standards Office.

(c) A Licence Holder making application for the renewal of a Licence shall bring the completed application form and prescribed fee to the Council Officer by appointment. The three photographs prescribed in the Act if not already forwarded by the Licence Holder shall be handed to the Officer at this time.

(d) A Licence Holder having appeared before a committee of the Council where, although there were sufficient grounds to revoke the Licence it was decided to deal with the matter by way of a Warning Letter shall acknowledge receipt of the Warning Letter by signing and dating and returning one copy of the letter to the Council in the envelope provided within 21 days of its receipt.

(e) Licence Holders shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.

(f) The sending of letters and Notices from the Council by the General Postal Service to the last notified address by the Licence Holder shall be taken by the Council as proper and good service of documents.

(g) All notifications (*excluding payments of weekly/monthly charges*) given by the Licence Holder to the Council shall be to the Council's address as it appears on the Licence or that subsequently amended and notified in writing to the Licence Holder.

DRAFT

Appendix D

LONDON BOROUGH OF MERTON LONDON LOCAL AUTHORITIES ACT 1990 PART III (as amended) (STREET TRADING)

NOTICE IS HEREBY GIVEN UNDER SECTION 32 OF THE ABOVE NAMED ACT
OF THE STREET TRADING LICENCE FEES FOR THE FORTHCOMING YEAR
VALID FROM 1ST April 2013 – 31ST March 2014

Unless otherwise stated all fees are for a period of 1 year.

New Street Trading Licence Application Processing Fee	£50
Renewal Licence Processing Fee	£25
Variation of existing Licence	£75
Market Trading Registration Fee	£25

Forecourt and Tables And Chairs Licence

Up to 1 sq m	£100
Over 1 sq m up to 6 sq m	£561
Over 6 sq m up to 12 sq m	£842
Over 12 sq m	£1,122
Over 18 sq m	£1,684

Forecourt, and Tables and Chairs Temporary Licence

where full application is being processed (per month)

Up to 1 sq m	£8.50
Over 1 sq m up to 6 sq m	£47
Over 6 sq m up to 12 sq m	£70
Over 12 sq m	£94
Over 18 sq m	£140

Other Pitches (for example catering van, individual pitch not on market)

£1,320

Market Fees (Temporary Licence per pitch per trading day)

Regular Market	£11.50
Casual Market Fee	£20.00

Specialist Market Fee (minimum ten stalls/pitches for up to 4 days or part thereof)

£500

Other Temporary Licences (up to 2 months in any year)

Daily	£51
Weekly	£255
Monthly	£1020

These fees are calculated to reflect the reasonable costs of the Council in administering street trading in the borough and include administration, regulation, enforcement and other costs incurred by the Council.

Appendix E Representations

Layla, The Old Frizzle

An area of 7.8m x 0.8m outside Layla 33 High Street Wimbledon SW19 5BY.

An area of 12m x 2.25m alongside The Old Frizzle 74-78 The Broadway Wimbledon

Dear Sir

Police would wish to express concerns with regard to the above applications. The main concern is in terms of the time that it is proposed that each of the premises have their tables in the area.

In each venue the lateness will coincide with increased pedestrian traffic due to potential closing times of other venues, therefore the risk of crime and disorder and public nuisance is increased.

A more suitable termination time would be 2200 in each case.

Regards

Peter Sparham PS 10VW

Licensing Sgt

Greggs Morden

From: Bailey Deon (ST) [mailto:Deon.Bailey@TfL.gov.uk]

Sent: 07 February 2014 15:33

To: David Ryan

Cc: Dayman Stuart (ST); Coxall Gary (ST)

Subject: RE: Merton Street trading

Hi David,

I have been to site and I don't think that this will be advisable. This is very busy footway leading to bus stops and the tube, it narrows at this section because of the loading bay and by allowing 1m to be taken up it will have a significant effect on the movement of the public along the footpath.

Therefore, I do not recommend that this is approved.

Regards

Deon

Sandbourne Ave 5019
12. February 2014.

Trading Standards Officer,
V. G. Martin
Civil Offices
Dorset. SM450X



Dear Sir,
Re: Application Greags Bakery, London Rd Dorset
Furniture on pavement adjacent

on hearing about the above application for table
and chairs outside Greags bakery I have observed
the pavement has recently been reduced in width to
provide a parking bay/ spaces for vehicles delivering
collecting and persons alighting for public transport.
This pedestrian area is always congested persons
often with baggage/ chopping boards and groups of.
This situation is not helped by nearby retail outlets
wares extending over the pavement.

I consider Greags company application inappropriate on
this site. There are already numerous refreshment facilities
These persons grazing and others often leave their
wanted food and packaging around despite a
garbage bin beside the lampost, perhaps one could be
available, more readily recognised even vocalizing
the providers gratitude they are being used!
Thank you for receiving these views.
Diversity of retail outlets is sadly missing
in this high street

Yours sincerely

Greggs Raynes Park

From: DETAILS REMOVED

Sent: 07 February 2014 12:35

To: Env Health

Subject: Fwd: GREGGS, COOMBE LANE DR2014 002

Subject: Fwd: GREGGS, COOMBE LANE DR2014 002

FOR THE ATTENTION OF THE TRADING STANDARDS OFFICER.

As elderly local residents (Amity Grove) we write to object to the proposal that Greggs be permitted to have chairs & tables outside their shop to include part of the footway. This area opposite the busy pedestrian crossing is frequently quite difficult to negotiate on foot when people are waiting to cross, particularly as other people are waiting for the bus and others queuing for Barclays Bank cash machine.

We believe that such seating area could well spill over beyond the site stipulated (bags, dogs, buggies etc) and would prove hazardous..

DETAILS REMOVED (XX Amity Grove)

From: DETAILS REMOVED

Sent: 01 February 2014 21:04

To: Env Health

Subject: For the Attention of the Trading Standards Officer

Re: Application No DR.2014.002

I am writing to you in two capacities: 1) As Chair of the Raynes Park Association (an umbrella organisation representing residents associations, businesses and other organisation in Raynes Park) and 2) As Chair of the Apostles Residents Association.

I am writing to object to the licence application for tables and chairs to be allowed outside of Greggs in Coombe Lane in Raynes Park. This location is the busiest section of pavement on the north side of Coombe Lane within the Raynes Park Town Centre, as the shop faces directly onto the location of the light controlled crossing to the railway station. Frequently there are considerable numbers of people waiting to cross the road whilst others, many with trolleys, buggies or wheelchairs try to squeeze past behind them as they make their way along the pavement.

Reducing the available width of pavement by 1.5m will, in our view, seriously compromise safety adjacent to the crossing with the likelihood of pedestrians either stepping or being inadvertently pushed onto the highway by the resulting congestion. We are aware that a section of the pavement outside the shop is in the ownership of the freeholder, but we believe public safety and overall enjoyment of the Town Centre are more important in this instance.

We therefore ask you to refuse the granting of a licence.

Chair, Raynes Park Association

Chair, Apostles Residents Association

From: DETAILS REMOVED

Sent: 31 January 2014 20:52

To: Env Health

Cc: Councillor Margaret Brierly; Councillor Linda Scott; Councillor Rod Scott

Subject: Fw: Greggs. Application for Licence Street and Street Trading Licence.

FOR THE ATTENTION OF THE TRADING STANDARDS OFFICER.

Dear Sir

Please find attached the objection of the Residents' Association of West Wimbledon to:

- the intention by Merton to designate as a licence street the area in front of Greggs, 36 Coombe Lane, Raynes Park SW20 0LA
- the application for a street trading licence for the premises at 36 Coombe Lane, SW20 0LA.

Yours faithfully. **DETAILS REMOVED.**

Secretary. RAWW

ATTENTION THE TRADING STANDARDS OFFICER.

RESIDENTS' ASSOCIATION OF WEST WIMBLEDON. (RAWW).

1 February 2014.

Part iii of the London Local Authorities Act 1990,

Application by Greggs, 36 Coombe Lane, Raynes Park, SW20 0LA.

The Residents' Association of West Wimbledon wishes to object to the intention by Merton, pursuant to Section 24 of the above Act, to designate as a licence street, that part of Merton in front of the premises at 36 Coombe Lane, Raynes Park SW20 0LA. and to permit street trading in the area outside the business designated as "Greggs" at this address.

RAWW also objects to the application for a street trading licence under Section 25 of the above Act for the above premises at Greggs, 36 Coombe Lane SW20 0LA. The licence, if granted, will allow the placing of tables and chairs on the designated site 7 am – 6pm Monday – Sunday inclusive. Reference DR.20.14.002.

RAWW submits that this area of footway is narrow relative to the heavy volume of footfall and is already very crowded since it is located close to a pedestrian crossing, adjacent to a busy bus stop and opposite the Raynes Park Railway Station. Throughout the day, it is frequented by shoppers, commuters and the many students who attend local schools. The proposal to further congest the footway with tables and chairs is regarded as dangerous and highly likely to lead to accidents.

Yours faithfully

DETAILS REMOVED Copies to: Councillors: Margaret Brierly, Linda Scott, Rod Scott, **DETAILS REMOVED. DETAILS REMOVED, DETAILS REMOVED.**

From: DETAILS REMOVED

Sent: 10 February 2014 15:13

To: Env Health

Cc:

Subject: Greggs Coombe Lane Licence Application

For the attention of the Trading Standards Officer

Dear Sir/Madam

I am writing to object to Greggs' Licence Application for food to be served at tables (plus chairs) outside the shop, as this could cause obstruction for people using the crossing at that point; the crossing is very busy at times and there will not be enough room. Also, it is too near the bus stop, and there is often a queue at the ATM at Barclays Bank, which will also make for further obstruction.

Yours faithfully

DETAILS REMOVED

XX Amity Grove

London SW20

DRAFT

The Old Frizzle

From: The Old Frizzle General Manager

Sent: 31 January 2014 14:05

To: David Ryan

Subject: Old Frizzle street application

Hi David

Thank you for your time earlier. As discussed we are happy to make the necessary changes, as in the drawings.

With regards to being able to see the tables we would look into installing CCTV with a visible monitor on the bar. We would also look into installing a window.

anti social behaviour. We have security Thursday Friday and Saturday pm and operate an over 21 policy.

Kind regards

Alan Elliott

General Manager The Old Frizzle

LBM Planning would recommend against the granting of a designation and licence for the following reasons.

Reasons 1

The proposed designation and tables & chairs outside the restaurant would result in cramped conditions for pedestrians using the footway and would fail to enhance the public realm in a prominent location in Wimbledon Town Centre, contrary to saved policy TC5 of the Adopted Merton Unitary Development Plan (October 2003).

Reasons 2

The proposed designation and tables and chairs by reason of their prominent location on the public footway, would generate unacceptable levels of noise and disturbance that would have an adverse impact on the living conditions of neighbouring residents, contrary to saved policy BE15 of the Adopted Merton Unitary Development Plan (October 2003).

David Thompson Planning Officer North Team, Development Control

XX South Park Road
Wimbledon
London
SW19

January 31st 2014

Trading Standards
London Borough of Merton
Civic Centre
London Road Morden
Surrey SM45DX

Application Ref DR.2014.004

Dear Trading Standards

I would like to object to the above application whereby a bar called The Old Frizzle in The Broadway, SW19 wants a street trading licence so they can serve alcohol and food at the junction of the Kings Road and The Broadway, during the day, evenings and gone midnight some nights!

The proposed area is part of the Controlled Drinking Zone and the Dispersal Zone and I am sure you have been made aware by the police, it is the scene of much anti social behaviour throughout the years. This corner comes up red on the crime incident map of the borough.

The Frizzle already has tables and chairs in this location and it is the venue for smokers and drunks talking loudly on their phones, leering and cat-calling pedestrians. I've even seen Frizzle customers take the chairs and place them right onto the Kings Road pavement, so they can sunbathe!

This is a nasty corner to negotiate when you are a young woman as my daughter and her friends have found out on many occasions.

Please refuse permission. We don't want this area to become a lounge area for drinkers and smokers all day and night. There is plenty of capacity in all the bars up and down the Broadway without us having to negotiate them in the street.

Yours faithfully

DETAILS REMOVED



South Park Rd
Wimbledon
London
SW19

Trading standards
London Borough of Merton
Civic centre
London Road
Morden
Surrey
SM4 5DX

Regarding: DR.2014.004

Dear Trading Standards

I would like to raise my objection to the above application at the Old Frizzle.

The corner in question is always busy and has a preexisting problem with drinkers and anti social behaviour. I believe allowing food + drink to be served there will only increase the problems.

Yours faithfully

5th February 2014

Trading Standards
London Borough of Merton
Civic Centre
London Road
Morden
Surrey
SM45DX

XX Kings Road
London
SW19 XXX

Dear Sirs

**Re: Reference DR.2014.004
The Old Frizzle**

I refer to my attached letter dated 6th June 2013 when the Old Frizzle applied for a retractable canopy & provision of external seating & tables. They are now applying for a street trading license for tables outside Kings Road. It seems they are taking another route to fulfil the same end. This was seen in The Wimbledon Guardian. There was no notice on their premises and the residents of Kings Road were not notified.

As stated this appears to take up half the pavement the whole length of their property on Kings Road. While the Council has been widening the pavement on the Broadway, the pavement on Kings Road would become impossibly narrow.

The noise will also be considerable with no soundproofing until unacceptable hours at night. We had the same problems with Al Fornos in Kings Road but, with the Council's enforcement they don't serve the tables outside after 9pm. The Old Frizzle would want to serve people until midnight and later on a Sunday. This is not acceptable. The pub already has covered tables outside for smokers which does not protrude onto the pavement or extend the whole length of the building. These tables are never full.

We are strongly opposed to the application. We would be afflicted with totally unacceptable noise levels in a residential Street and have our pavement considerable restricted.

Yours faithfully

DETAILS REMOVED

6th June 2013

London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey
SM4 5DX

XX Kings Road
London
SW19 XXX

Dear Sir

**Re: Planning Application Number: 13/P1461
Retractable Canopy The Old Frizzle**

I was appalled to see the application for a retractable canopy & provision of external seating & tables.

This appears to take up half the pavement the whole length of their property on Kings Road. While the Council has been widening the pavement on the Broadway we are to have our pavement halved.

The noise will also be considerable with no soundproofing. We had the same problems with Al Fornos in Kings Road but, with the Council's enforcement they don't serve the tables outside after 9pm. Presumably the Old Frizzle would want to serve people outside until closing time. This is not acceptable. The pub already has covered tables outside for smokers which does not protrude onto the pavement or extend the whole length of the building.

For these reasons we are strongly opposes to the application. If it does go through we would like the hours restricted to 9pm as at Al Forno's or we will be afflicted with totally unacceptable noise levels in a residential Street.

Yours faithfully

DETAILS REMOVED

Trading Standards,
Merton Civic Centre
Morden
Surrey. SM4 5DX

XX Kings Road
Wimbledon
SW19 XXX

I am writing to object to the application made by the Old Frizzle for a Street Trading Licence Reference DR.2014.004.

I am the owner of XX Kings Road and have lived here for several decades. My property is diagonally opposite, and only 20 metres from the proposed area where the Old Frizzle wish to place tables and chairs.

I am the landlord of five tenants living within my property. Three of my tenants live at the front of the house, but all of my tenants would be affected by the noise disruption created by A3 use of this very large external space. These tenants include bus drivers, students and shift workers. I cannot express how strongly I oppose the above application due to the disruption and disturbance it will have on all my tenants.

There will be excessive noise pollution and disturbance from numerous sources if this proposal were allowed. Customers sitting outside on the pavement of Kings Road would cause noise just by talking. If they were being served food and alcohol there would be noise from crockery, glasses and cutlery. There would also be noise from raised voices which would get louder as alcohol consumption increased. All this would create unacceptable noise levels and it would be extremely unpleasant for all residents of Kings Road and any of my tenants who sleep in the front bedrooms. There would be no tranquillity anymore for myself or my tenants.

The opening and closing hours that the Old Frizzle are proposing are completely unreasonable, especially in a residential street. My tenants work irregular hours, and so the opening and closing hours of operation would mean that their sleep would be constantly disrupted by noise. Even regular workers would be asleep before the 00.30 suggested closing hour on a Sunday night.

Rat infestation has been a major problem in this area for many years, and myself and my neighbours have had to employ pest control on several occasions and involve Environmental Health. Consumption of food in this area causes rats and foxes to increase in numbers – I have seen them! Furthermore we have had problems with the Old Frizzle and their waste disposal management over the last year, so I cannot believe that they will be scrupulous in keeping this area clean

A further problem is the huge amount of beer and wine bottles that I continually find in my front garden. Every week I clear these away, and the following week I find more. These are presumably left here by passers-by. If this outside area is allowed for A3 use, 20 metres from my home, customers will be drinking there constantly and I dread to think what rubbish will I find in my front garden then.

Finally the suggested area is part of the pavement of Kings Road. The Old Frizzle already have tables and chairs outside under the canopy of their building - the pavement should be kept free of obstruction and used for pedestrians only.

I ask that you please consider this application very carefully in terms of the effect it will have on all the residents in the vicinity, especially myself and my tenants, and ask that you please refuse the application.

Yours sincerely **DETAILS REMOVED**



KINGS ROAD
WIMBLEDON
LONDON SW19
11-2-14

DEAR SIR OR MADAM,
I AM WRITING IN RESPONSE
TO 'OLD PRIZZLE' APPLICATION FOR A STREET TRADING
LICENCE WHICH I AM STRONGLY OPPOSED TO FOR SEVERAL
REASONS WHICH INCLUDE, FOR EXAMPLE, I AM EMPLOYED
AS A BUS DRIVER WITH LONDON GENERAL (MERTON GARDENS)
AND AS I HAVE TO WORK UNSOCIABLE HOURS I.E. 04.18AM
EARLY IN THE MORNING OR A LATE SHIFT FINISHING
AT 01.36AM IT WOULD BE IMPORTANT TO GET
A PROPER NIGHTS SLEEP, AS THE CLOSE PROXIMITY TO
MERTON LUG (APPROX 25 METRES) THE NOISE LEVEL WHICH
IS HIGHLY EXPECTED (THE NOISE LEVEL IS FAR TOO MUCH
S IT IS) A PROPER NIGHTS SLEEP IS HIGHLY UNLIKELY
CONSIDERING THE RESPONSIBILITY OF MY JOB. ALSO IS
PART OF SOUTH PARK GARDENS CONSERVATION AREA AND THE
AREA IS PART OF A CONTROLLED DRINKING ZONE AS A
LARGE AMOUNT OF PEOPLE THESE DAYS CANNOT HANDLE
THEIR DRINK AND BECOMES BOISTEROUS AND LINGER
ABOUT MANY HOURS AFTER THEY ARE SUPPOSED TO BE
THERE WHICH IS UNACCEPTABLE.

Trading Standards
Merton Civic Centre
London Road
Surrey SM4 5DX

7th February 2014

Reference: DR.2014.004

To whom it may concern.

I strongly **object** to the application DR.2014.004, made by the Old Frizzle 74 -78 The Broadway, for a Street Trading Licence which would allow tables and chairs to be placed in Kings Road.

I live at **XX Kings Road** and my bedroom is on the top floor, at the front of the house, about **30 metres** from the designated site. This room is where I sleep and study. From my window I can see the nominated area that the Old Frizzle are proposing will house tables and chairs. This 27 square metre site would seat a very large number of customers and *if* it were given approval would create enormous noise disturbance for myself and other residents. On a personal level, not only would my sleep be disrupted, but also my study. Kings Road is a quiet residential street and *not* a main shopping and dining thoroughfare, as is The Broadway. This proposal is completely inappropriate on this site in Kings Road.

The opening hours proposed likewise are ridiculous. There would be noise disturbance until 11pm and midnight during the week, and past midnight on a Sunday. I study throughout the day when I am at home, and often work very late into the evening. Customers drinking and dining 30 metres from my window, in an open area, is completely unacceptable as it would disrupt my sleep and study and cause me major loss of amenity.

There is already a problem on this corner of Kings Road and The Broadway with regards to anti- social behaviour. From my room, I constantly hear the noise from drunken revellers along The Broadway, and have witnessed many drunken brawls and even a stabbing. Permitting more seating, especially on Kings Road will encourage the anti-social behaviour to venture into Kings Road from The Broadway.

From a safety point of view, the 12 x 2.25m area suggested would encroach *across* the pavement taking up over half the existing Kings Road pavement. This would mean that pedestrians may have to walk in the road to avoid smokers, diners and drinkers. Pedestrians are the priority on a pavement, not A3 users.

Furthermore, in 2013 Merton has been widening pavements along The Broadway, so allowing a Street Licence for tables and chairs here would mean that valuable pavement is **lost** in Kings Road.

Kings Road is part of the South Park Gardens Conservation area. The proposal will have a damaging impact on a quiet residential street in a conservation area. I am completely against the proposed Application for all the above reasons, and ask respectfully that you **refuse** this application on the grounds of the detrimental effect it would have, and loss of amenity, on the residential community.

Yours faithfully,

DETAILS REMOVED

Ryden's Avenue,
Walton-on-Thames,
Surrey. KT12
11th February 2014.

For the attention of
The Trading Standards Office,
Merton Civic Centre,
Morden
Surrey S.M4 5DX



To whom it may concern

Dear Sir/Madam,

I am writing to object to Reference DR2014-004 made to you by Old Frizzle of The Broadway, Wimbledon for a street trading licence.

I am an elderly lady of 85 years and I regularly visit, + stay with, my daughter in Kings Road S.W 19. If tables and chairs ^{are} to be placed in this area i.e. Kings Road pavement, only 40% will remain for the use of the general public. As I am a wheelchair user I fail to see how my carer can possibly negotiate, with any degree of safety, this part of the pavement. I appeal to you therefore, in your position as Trading Standards Official, that you refuse this application bearing in mind the inconvenience caused to all pavement users.

Yours sincerely

XX Kings Road, Wimbledon.
SW19 XXX

Dear Trading Standards Officer,

I am writing to object to the Street Trading Licence application made by the Old Frizzle- DR.2014.004.

I have lived at the above address since January 1998. I purchased this house as it is situated in a quiet residential street. I am horrified at the thought that a Street Trading Licence is even a possibility in Kings Road and cannot object strongly enough.

There is no mention of whether this site will be for A3 use, an external smoker's lounge or for a street beer 'garden'. However any, or all, of these uses is inappropriate on this site and will cause major loss of amenity for me and all residents of Kings Road.

As a shift worker my sleep is going to be badly disrupted. I get up at 3:30 in the morning and if A3 patrons are going to be situated outside, 30 metres from my bedroom window, for the hours suggested, then there will be noise disturbance from Old Frizzle patrons until 11pm Monday-Wednesday, midnight Thursday - Saturday and half past midnight on Sundays. This means that I will only get 3 hours sleep on a Sunday and a maximum of 4 and a half hours sleep any other night. This is completely unacceptable and is a recipe for ill health.

The area proposed for this licence is against a wall, which although it is part of the fabric of the building is not actually alongside the main restaurant area of the Old Frizzle. The proposed area will therefore be a separate drinking and smoking area in Kings Road. It would be a complete eyesore.

The area proposed will encroach onto the pavement and take up the majority of it. Pavements are for pedestrians not drinkers, smokers and diners who should be partaking of these activities within the confines of the Old Frizzle.

Furthermore the designated area, and all the gardens along Kings Road will become sites for beer bottle disposal, cigarette waste, vomit, public conveniences and any other rubbish that emanates from external A3 use.

I strongly urge you to refuse this application.

Yours sincerely,

DETAILS REMOVED

RECEIVED
13 FEB 2014

FLAT KINGS ROAD
WIMBLEDON
SW19

REF: DR. 2014. 004

12/02/14

Dear Sir,

I am writing to object to the proposed plan by "The Old Fryzle" for a street trading license.

As the proposal is for late night trading, this can only be detrimental to the neighbourhood due to inevitable noise etc, which will affect local residents.

Yours truly,

Trading Standards,
London Borough of Merton
Civic Centre,
London Road
Morden,
Surrey
SM4 5DX

xx Kings Road
Wimbledon
SW19

1st February 2014

OBJECTION TO THE OLD FRIZZLE APPLICATION FOR A STREET TRADING LICENCE

Reference DR.2014.004

Dear Sir/Madam,

We object to the application Reference DR.2014.004 for all the reasons stated below and request that you please refuse it on the following grounds:-

- The area alongside the Old Frizzle designated on this application is **part of Kings Road pavement**
- The proposed area is very large - **12 x 2.25 metres**. The pavement is only 4.3 metres wide so this in effect means that tables and chairs will take up at least **52% of the pavement**. This will cause inconvenience, nuisance and obstruction to other highway users. It may even mean that pedestrians have to step into the road to get past the obstructions thus causing a danger to themselves and drivers.
- The Old Frizzle restaurant is **never full**, and **already has external tables and chairs**, so *extra* external tables and chairs are not required.
- The external tables and chairs will potentially mean seating and dining space for a very large number of customers. This will cause an increase in **noise nuisance** to all residents of Kings Road.
- These tables and chairs will be used for customers who are not just eating but for those clients who are **solely drinking**. The proposed area is part of the Controlled Drinking Zone, and tables and chairs placed here will mean that drinkers will *not* be confined to standing only whilst they consume their alcohol, meaning they will stay longer outside, causing even more noise disturbance and potentially anti social behaviour.
- Furthermore the tables will not be restricted to diners and drinkers – the area will become an outside **lounge for smokers**, meaning that *they* also will linger longer, which will also cause more noise disturbance to residents, plus they will no doubt dispose of their cigarette butts *in* Kings Road.
- These external diners, drinkers and smokers will be as close as **35 metres** from our house at **XX Kings Road**, and will cause us and all other residents of Kings Road completely unacceptable levels of noise pollution.
- These customers would be outside, 35 metres from our house, *not* only during daylight hours, but until the **11pm Monday – Wednesday, midnight Thursday – Saturday and 00:30 am on Sundays**

- This site is part of the Dispersal Zone and already a **crime ‘hotspot’** for anti social behaviour. External seating here would mean that there would inevitably be an increase in public disorder as it would be a more comfortable meeting place, during the above hours
- Serving food on the public highway will also cause an **increase in vermin**. There is already a problem along this pavement with rat infestation, and outside dining there will exacerbate the problem
- Permission was **not granted** to Chimichanga (opposite the Old Frizzle) in 2013 for outside dining in Kings Road, and this application should be refused for all the same reasons
- There are **enough restaurants** and other eating establishments with 20 metres of Old Frizzle – extra seating outside is completely unnecessary

For all the above reasons we respectfully ask that you **refuse this application**

Yours faithfully,

DETAILS REMOVED

From: DETAILS REMOVED

Sent: 12 February 2014 21:56

To: Trading Standards

Subject: Representation--Reference DR 2014.004

Dear Sir or Madam,

We would like to register our objection to the above-referenced application for a street trading licence by The Old Frizzle (located at 74-78 The Broadway). We have lived at 18 Kings Road, very close to the premises, since 2006. On many occasions we have experienced disruption from late-night noise coming from the area of the premises. We are very concerned that the application for the above-referenced licence will serve only to create further problems for us and other nearby residents. We do not object to the business wishing to trade, or even to have a more limited street trading licence, but the hours requested are far out of line with the hours that would achieve a balance between the external effects of the business on the community and the operational needs of the business.

We are also disappointed that the applicant has failed to contact local residents to explain its application.

We therefore request that the Council reject the above-referenced application.

Yours faithfully,

DETAILS REMOVED

xx Kings Road

Wimbledon

London SW19

Licensing committee

Date: 27 February 2014

Agenda item:

Subject: Proposal to Update April 2011 Statement of Licensing Policy

Lead officer: Dr Kay Eilbert, Director of Public Health

Lead member: Cllr Nick Draper

Forward Plan reference number:

Contact officer: Kay.Eilbert@merton.gov.uk

Recommendations:

Agree for the Statement of Licensing Policy to be updated

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 The purpose of this paper is to set out the case for updating the April 2011 Statement of Licensing Policy to reflect

- The transfer of Public Health to the London Borough of Merton in April 2013
- The responsibilities of the Director of Public Health as a Responsible Authority
- Growing evidence about concerns of negative impact of increases in licensed premises that may impact on the health and safety of Merton residents

Licensing is one of the levers that can be effective in creating a healthy and safe community. LBM Licensing officers are working with Public Health to develop an appropriate response, including the use of licensing.

2. BACKGROUND

1.1 Policy

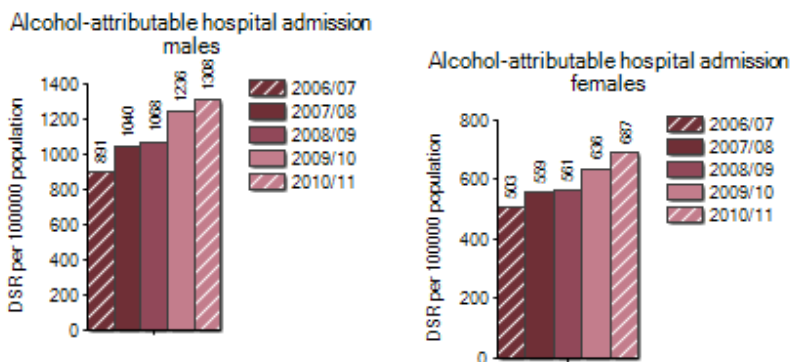
The current Statement of Licensing Policy was agreed in April 2011. It sets out the four licensing objectives;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 1.2 Since that time, major transformation of the health system has taken place with the transfer of Public Health to local government. Although the decision to add health as an objective for licensing applications has been delayed, the majority of the licensing changes set out in the Police Reform and Social Responsibility Act (PRSA) 2011 came into force on the 25th April 2012.
- 1.3 This included changes where health bodies became responsible authorities who can now have a say in local decisions about alcohol licensing. This means health bodies can present health-related evidence, such as data on alcohol-related ambulance callouts and hospital admissions, to licensing authorities and must be notified about new licence applications

2. MERTON DATA

- 2.1 The Joint Strategic Needs Assessment 2013-14 states that alcohol-related mortality and morbidity are generally low suggesting levels of risky drinking behaviour have been less than that in London or nationally. Alcohol related hospital admission rates are lower compared with rates in London or across England but are increasing as demonstrated in Figure 1 below.



Latest reported figures from the Local Alcohol Profiles for England for alcohol specific hospital admissions in the under 18 age group suggested that Merton ranked 9th highest in London.

- 2.2 There has been a 24.2% increase in the number of off licenses in Merton over the last five years. This is compared to a 13% increase in licensed restaurants and no increase in public houses over the same period (2009-2013).
- 2.3 During the two consultations on the Rediscover Mitcham regeneration work in December 2012 and July 2013, without being asked directly, respondents pointed to a theme around problem drinkers and street drinking.

3. THE WAY FORWARD AND CONSULATION

- 3.1 Licensing is an important lever to increase availability of a broad range of products for Merton residents to make healthy choices. The use of combined health and licensing data above is a first step in developing an effective approach to harm prevention in Merton due to alcohol.
- 3.2 Licensing is one of the tools that contribute to a healthy community. Public Health is undertaking initiatives, including
- partnering with Safe Sociable London Partnership to increase its expertise in using data and evidence to advocate for prevention of harm due to alcohol. This will allow Public Health to respond more effectively to licensing applications in Merton, using the latest data.
 - putting in place a number of prevention and early detection initiatives are under development, including training in Identification and Brief Advice (IBA) for frontline staff and prevention of alcohol harm to health.
- 3.3 The cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and within the vicinity of these premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish a specific premises as being the sole cause, or even a major contributing factor of a particular problem.
- 3.4 The 'Rediscover Mitcham' consultations and subsequent report highlighted growing concerns amongst respondents around problem drinkers and street drinking suggesting that Mitcham Town Centre is becoming saturated with licensed premises, making it a focal point for many/or large groups of people to gather and circulate away from licensed premises, creating problems of disorder and nuisance over and above the impact from the individual premises.
- 3.5 In these circumstances the Committee may consider that the attachment of conditions is unlikely to address these problems and it may then consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 3.6 The work will be completed between March and June 2014. Updating the Statement of Licensing Policy to reflect these changes would contribute to

our ability to ensure a balance of choice on our high streets for residents that is in line with their growing concerns.

4. LEGAL AND STATUTORY IMPLICATIONS

- 4.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met. If the licensing authority determines and publishes its policy in this way, a new five-year period commences on the date it is published.
- 4.2 Previously, licensing authorities were required to determine their licensing policies for each three-year period. The Council's original policy (2005) was reviewed in 2008 and 2011 and must next be reviewed by 2016.
- 4.3 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. "Cumulative impact" is not mentioned specifically in the 2003 Act but under statutory guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 4.4 Under the Police Reform and Social Responsibility Act (2011), the Government amended licensing legislation to give health authorities a statutory role in the licensing process. Under these changes responsibility for engagement in licensing falls to the Director of Public Health (DoPH).
- 4.5 Public Health became the responsibility of local government when it transferred from the NHS in April 2013 and whilst the government is yet to introduce a 'public health' licensing objective, the DoPH as a 'Responsible Authority' can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. The DoPH can also call for the review of a licence if they feel it breaches a licensing objective.

5. FINANCIAL, RESOURCE, AND PROPERTY IMPLICATIONS

- 5.1 There should be no significant direct expenditure arising from undertaking a formal consultation of the 'Statement of Licensing Policy.' However the required three month public consultation with all residents, partners and businesses in the borough will have implications for the level of resources available to the service.

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Committee: LICENSING

Date: 27th February 2014

Wards: All

Subject: Crime data for the borough

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cllr Nick Draper, Cabinet Member for Community & Culture

Forward Plan reference number: N/A

Contact officer: Marc Dubet, EH (Pollution & Licensing) Manager

Recommendations:

For members to note the latest crime data for the borough

PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1 The purpose of this report is to provide members with the latest crime data for the borough.

2 **DETAILS**

2.1 **Crime Data Summary Report from Safer Merton (June – November 2013)**

Appendix A.

3 **ALTERNATIVE OPTIONS**

None for the purposes of this report

4 **CONSULTATION UNDERTAKEN OR PROPOSED**

None for the purposes of this report

5 **TIMETABLE**

None for the purposes of this report

6 **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

None for the purposes of this report

7 **LEGAL AND STATUTORY IMPLICATIONS**

None for the purposes of this report

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

These are statutory functions and are applied globally. An equalities impact assessment of the attached policy and other related functions of the Service are undertaken on a regular basis

9 CRIME AND DISORDER IMPLICATIONS

The service has a statutory duty to contribute to the reduction of crime and disorder in Merton under section 17 of the crime and disorder act 1988. The prevention of crime and disorder is also one of the objectives of the council's statement of licensing policy. In determining applications it will be the policy of the service to consider the adequacy of measures proposed to deal with related crime and where appropriate it will attach conditions to permissions and licences to deter and prevent crime and disorder both inside and within the vicinity of the premises.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

All risk and health and safety implications have been considered in arriving at the final package of service plan measures. Risk ratings are determined for specific activities, including the delivery of outcomes, measures and targets in the plan, and are included within the Council's corporate risk management strategy. Identified risks and actions to minimise them are assessed on an annual basis

11 APPENDICES

Appendix A . Restricted information exempt from publication under paragraph 10.4 (3) of Part 4B of the Constitution .

12 BACKGROUND PAPERS

None for the purposes of this report