

Merton Council

Licensing Committee

Membership

Jeff Hanna (Chair)

David Simpson CBE (Vice-Chair)

Stan Anderson

Michael Bull

Tobin Byers

Pauline Cowper

Joan Henry

Philip Jones

John Sargeant

Linda Taylor OBE

Gregory Patrick Udeh

Jill West

A meeting of the Licensing Committee will be held on:

Date: 23 February 2016

Time: 7.15 pm

Venue: Merton Civic Centre

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

23 February 2016

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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

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 or online at www.merton.gov.uk/committee.

LICENSING COMMITTEE

20 OCTOBER 2015

(19.15 - 20.32)

PRESENT Councillors Councillor Jeff Hanna (in the Chair),
Councillor Stan Anderson, Councillor Tobin Byers,
Councillor Pauline Cowper, Councillor Joan Henry,
Councillor Philip Jones, Councillor John Sargeant,
Councillor Linda Taylor, Councillor Jill West,
Councillor John Bowcott and Councillor Nick Draper

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors Greg Udeh, David Simpson, and Michael Bull

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were received.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 9 June were agreed as a correct record.

4 LICENSING SUB-COMMITTEE - UPDATED HEARING PROCEDURE, PROCESSES AND PAPERWORK (Agenda Item 4)

The Senior Democratic Services Officer introduced the report detailing the proposed changes to the Licensing Sub-Committee paperwork and procedures. The Committee considered the new Chair's Procedure document and asked for the following changes:

- Within the Chair's procedure the sections 9,10 and 11 reverse a and b, so that Questions by the responsible authority and the interested parties come before the questions by the Sub-Committee.
- Section 7 of the Chair's procedure was seen as a useful scene setter and Members requested that it be moved up so that it happens sooner

Members then considered the new Notice Letter and asked for the wording referring to 'two packs'- to be changed as it was currently confusing.

Members asked for the numbering between the new Chair's procedure and the new procedure in the public packs to be aligned to avoid confusion.

The Senior Democratic Services Officer said he would make these changes. The Legal Advisor said he would consider the procedure for a Licensing Review.

The Committee asked the Legal Advisor about the legal requirements for a quorum at Licensing Sub-Committee. Currently Merton operates its Licensing Sub-Committee with a quorum of 3 as set by the Constitution of the Council, and so the Sub-Committee cannot meet if one member does not arrive. Members discussed the possibility of having additional members 'on-call' in case one member does not arrive, but concluded that this was a difficult option practically. The Legal Advisor explained that although the statutory requirement is 3 members for a Licensing Sub-Committee other Local Authorities have set a Quorum of 2, within their constitution, with the Chair being given a casting vote to prevent deadlock. The Committee asked the Legal Advisor to research this option and to report back to the Committee.

RESOLVED

The Licensing Committee gives approval to the refreshed Licensing Sub-Committee process and procedure, subject to the suggested amendments.

5 UPDATE OF COUNCIL'S STATEMENT OF LICENSING POLICY, PROPOSED CUMULATIVE IMPACT ZONE FOR MITCHAM TOWN CENTRE AND THE SURROUNDING AREA POST PUBLIC CONSULTATION (Agenda Item 5)

The Licensing Manager introduced the report on the Update of the Council's Statement of Licensing Policy, proposed Cumulative Impact Zone for Mitcham Town Centre and the Surrounding Area post public Consultation. He asked the Committee to consider the comments received during the public consultation when 13 representations were received: 9 from local residents, 1 from a local Designated premises Supervisor, 1 from a local Members Club, 1 from Livewell, 1 from a Responsible Authority (Merton Council Public Health).

The Committee discussed the Public Health representation and its requests for wording to be added to the Statement of Licensing Policy. They agreed to the following additions:

- To section 3.5 - in relation to promoting licensing objectives,
- To section 11 - two additions, in relation to the protection of children,
- To Section 7.15 – in relation to a CIZ

The Committee discussed some further requests from Public Health to include wording that embedded health in the policy. However, the Legal Officer advised that this could establish a 'policy within a policy' and could leave the Licensing Policy open to challenge via Judicial Review. The Committee decided not to include the Public Health additional wording at section 1.4, 1.9, 4.1, 4.2.1, 13.7 and 16.6 in the Licensing Policy

The Committee noted the following phrase in the additional wording accepted from Public Health to section 3.5 of the Statement of Licensing Policy:
'We [The Licensing Authority] would also expect all people applying for licences to install and maintain good quality closed circuit television (CCTV) in the interests of public safety and security'

Members asked if the word 'expect' should be replaced by 'require', but were given advice by the Legal Advisor that this was unnecessary. He explained that Responsible Authorities very often 'require' cctv to be installed by applicants within the conditions they seek to impose, but to include this in the Licensing Policy may leave the policy open to challenge via Judicial review. The Committee agreed to leave the word expects in the policy.

The Committee noted that one of the respondents had mentioned the 'late night levy'. The Licensing Manager explained that this was an additional charge paid by premises with licences that allow them to open from 0.00 to 03.00am. 70% of the charge goes to the Metropolitan police to pay for additional policing but it is not Borough specific and could be spent anywhere in the London area. The Committee agreed that they were not interested in this levy at this time.

The Licensing Manager presented the section of the report dealing with the proposed CIZ (Cumulative Impact Zone) for Mitcham Town Centre and the surrounding area. The Committee agreed that the Proposed CIZ should cover all the roads shown on the map at appendix 3 attached to the report – those highlighted by a solid line and those highlighted by a dotted line. The Committee agreed to restrict the Mitcham CIZ to 'Off – premises' sales only, as the evidence did not suggest that 'On- premises' sales needed to be included. Members asked if 'On' sales could be included in the future if necessary. The Licensing Manager confirmed that such a change would need to go back out to consultation.

The Committee noted the information presented by Public Health in their representation, that showed concerning levels of alcohol related issues in areas of the borough not covered by a CIZ or proposed CIZ. No action was proposed at this time.

The Committee asked the Licensing Manager to ensure that the following amendments were made to the Statement:
Page 42 – Seely Road (not Steel) and Tooting Station - National Rail Station (NOT overground)
Page 38 –account taken of Counsel note on Equality Act 2010
Crossed out sections(including those on page 53) to be removed

RESOLVED

The Licensing Committee:

- A. Considered the comments received during the public consultation process, which took place between 22 June and 14 September 2015;
- B. Discussed and Recommend for approval to Council on 18 November the proposed Cumulative Impact Zone (CIZ) for Mitcham Town Centre and the surrounding area based on the evidence obtained during the public consultation period, for off sales only,

- C. Approve delegated authority to the Licensing Manager, in consultation with the Chairman of the Licensing Committee, to approve any amendments to the Statement of Licensing Policy following the Committee meeting and prior to submission to Council for adoption on 18 November 2015; and
 - D. To approve the draft Statement of Licensing Policy subject to the above paragraph and recommend it for adoption by full Council on Wednesday 18 November 2015.
- 6 UPDATE OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 POST PUBLIC CONSULTATION (Agenda Item 6)

The Licensing Manager presented the report on the update to the Council's Statement of Principles under the Gambling Act 2005, and the results of the public consultation. He asked Members to note that a recent change in Gambling Commission guidance, requiring a local area profile of the borough to be included in this statement of principles had come too late to be incorporated in the current version. A revised version of the Council's Statement of Principles, including a detailed local area profile of the borough will be brought to the Licensing Committee in early 2016. Members noted that the local area profile has to be prepared 'from scratch' as each licensing authority covers a unique area.

The Committee noted that the consultation had generated only one response from a local resident and two from the Gambling industry.

The Committee were happy with the Statement of Principles and did not request any further changes. Accordingly there was no need for them to give delegated authority to the Licensing Manager to make further changes.

RESOLVED

That the Licensing Committee

- A. consider the comments received during the public consultation process, which took place between 22 June and 14 September 2015;
 - B. approved the draft Statement of Principles subject to the above paragraph and recommend it for adoption by full Council on Wednesday 18 November 2015.
- 7 INSTITUTE OF LICENSING'S GUIDANCE ON PREMISES LICENCE CONDITIONS (Agenda Item 7)

The Committee noted the draft guidance from the Institute of Licensing on Premises Licensing Conditions and that this contained list of conditions which could be used by an applicant, responsible authority, interested party or a licensing Sub-Committee who may oppose conditions to address one or more of the licensing objectives.

Members noted that this draft version had been consulted on but that the consultation was now closed, and agreed that they would wait to see the final version of the document before making any decisions on whether or not to recommend use of the guidance.

RESOLVED

The Licensing Committee noted the draft version of the Institute of Licensing's Guidance on Premises Licence Conditions (Licensing Act 2003) and agreed that when the final version of this document is published it should be brought to the Licensing Committee for further consideration

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Committee: Licensing Committee

Date: 23 February 2016

Wards: All

Subject: Quorum for Licensing Sub-Committee

Lead/ Contact officer: Guy Bishop, Senior Lawyer Litigation and Planning Team the South London Legal Partnership.

Lead member: Councillor Nick Draper

Recommendations:

- A. That the Licensing Committee notes the information on the quorum required for a licensing Sub-Committee and decides if any further action required
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. At the Meeting of the Licensing Committee 22 October 2015, the Committee asked the Legal Advisor about the legal requirements for a quorum at Licensing Sub-Committee. Currently Merton operates its Licensing Sub-Committee with a quorum of 3 as set by the Constitution of the Council, and so the Sub-Committee cannot meet if one member does not arrive.

1.2. Section 2 provides the information requested by the Committee

2 DETAILS

2.1. The Licensing Act 2003

Section 9 of the Licensing Act 2003 seems clear that the Licensing Committee delegates to Licensing Sub-Committees containing 3 members.

9 Proceedings of licensing committee

(1) A licensing committee may establish one or more sub-committees consisting of three members of the committee.

(2) Regulations may make provision about—

(a) the proceedings of licensing committees and their sub-committees (including provision about the validity of proceedings and the quorum for meetings),

(3) Subject to any such regulations, each licensing committee may regulate its own procedure and that of its sub-committees.

In the absence of guidance or caselaw, then section 10 of the Licensing Act 2003 may assist to allow the Licensing Committee to say that the Licensing Sub-Committee can still be quorate.

10 Sub-delegation of functions by licensing committee etc.

(5) The power exercisable under subsection (2) by a sub-committee established by a licensing committee is also subject to any direction given by that committee to the sub-committee.

There is no explanation in the Licensing Act 2003 or its Regulations as to whether the Committee is quorate if one of the 3 members is still not in attendance.

2.2. **LB Merton Constitution**

The Constitution does not address a Licensing Sub-Committee quorum in the “Constitution part 3F - Delegation by full council” at paragraph 8, but quorum is addressed in the “Part 4A - Council procedure rules” as follows:

5.4 Quorum

(a) The quorum of a meeting of the Council or of any non-executive committee will be one quarter of the whole number of Members or a minimum of three Members. The quorum for a meeting of the Cabinet, Cabinet committee or Cabinet sub-committee is governed by the Cabinet Procedure Rules.

(b) Except where authorised by statute, business shall not be transacted in the absence of a quorum. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will stand adjourned for 10 minutes. If after recommencing there is still no quorum, then the meeting will end immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

In those circumstances, the quorum must remain 3 members of the Committee, unless this part of the constitution is changed to permit a Licensing sub-Committee to be quorate with 2 members with a deciding vote by the chairman.

2.3. Table to show approach of other Councils

examples	quorum	Relevant contents of reports / source
Havering LBC	2	The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.
LB Hammersmith & Fulham	2	The quorum of the Sub-Committee shall be 2 Councillors
Malvern Hills DC	3	The quorum of the Licensing and Appeals Committee and its sub-committees will be 3 members.
Tower Hamlets	3	The Licensing Sub Committee will consist of 3 Members of the Licensing Committee and the quorum of the Sub Committee shall be 3 Members.
Sevenoaks DC	2	That the quorum of the Licensing Sub-Committee be amended to two.

Sutton LBC		The Committee considered altering from three to two the quorum of Licensing Sub Committee meetings where an application or review was being considered relative to licences under the Licensing Act 2003 or the Gambling Act 2005, so that the hearings could still proceed if one of the three Members was unable to attend. He stressed that the Sub Committee would always be expected to have three Members present, but the reduced quorum would allow a hearing to proceed on the rare occasions when one of the Members was unexpectedly unable to attend.
Croydon LBC	3	The quorum of the Licensing Sub-Committee is three Members and all three Members must be present throughout the hearing.
Tewkesbury DC	3	The quorum of the Sub-Committee will be 3
Waltham Forest LB	3	For sub-committees of 3 members, the quorum will be 3 members.
Richmond LBC	3 or 1/3 of number of voting members	The quorum for an Overview and Scrutiny Committee shall be three or one-third of the number of voting Committee Members, whichever is the greater (as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution).
Dartford LBC	3	The quorum shall be three (3) for the duration of the meeting.

3 ALTERNATIVE OPTIONS

3.1. N/A

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. N/A

5 TIMETABLE

5.1. N/A

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. N/A

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. As detailed in section 2

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. N/A

9 CRIME AND DISORDER IMPLICATIONS

9.1. N/A

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. N/A

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

11.1. None

12 BACKGROUND PAPERS

12.1. Licensing Act 2003

12.2. LB Merton Constitution

Committee: Licensing Committee

Date: 23 February 2016

Wards: All.

Subject: Licensing legislation – updates and amendments of the Licensing Act 2003.

Lead officer: Chris Lee, Director of Environment and Regeneration.

Lead member: Councillor Nick Draper, Cabinet Member for Community and Culture.

Contact Officer: Barry Croft, Licensing Manager, London Boroughs of Merton and Richmond upon Thames Joint Regulatory Services Partnership and Guy Bishop Senior Lawyer Litigation and Planning Team the South London Legal Partnership.

Recommendations:

- A. Members to note and to pass comment on the agenda items set out in this report.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 To provide members of the licensing committee with information concerning the following matters:

- Community and Ancillary Sellers Notices (CAN's);
- Deregulation of Late Night Refreshment as a licensable activity; and
- Amendment -Temporary Event Notices (TEN's).
- The Policing and Crime Bill – Proposed amendments to the Licensing Act 2003 (published on Wednesday 10 February 2016).

2. DETAILS.

2.1 Community and Ancillary Sellers Notice (CAN).

The Community and Ancillary Sellers Notice (CAN) will be a new authorisation under the Licensing Act 2003 that will benefit community groups and particular small businesses (such as bed and breakfast providers) who wish to sell limited amounts of alcohol as part of a wider service.

Under existing arrangements, these community groups and smaller businesses are subject to the same licensing regime and scrutiny as other businesses, which sell much higher quantities of alcohol (such as large hotels and off-licences). They have said that existing licensing requirements are costly and heavy-handed in light of the small, low-risk sales of alcohol that they wish to make.

For a relatively low, one-off fee a CAN user will be able to sell a limited amount alcohol (to be set out in regulations) over the course of three years between the hours of 7am and 11pm.

Community group users will be able to name up to three premises at which they intend to provide alcohol at organised events, with a maximum of 300 attendees. The alcohol sold at the event must also be ancillary to the main purpose of the event (such as a glass of wine at a play or with a lunch).

Ancillary business sellers will name single premises at which they will be making sales of alcohol. The sales must be ancillary to the goods or main service being provided and the alcohol must be consumed on the premises unless regulations provide otherwise. An example is a drink for paying guests at a B&B, although alcohol limits and circumstances of use for different groups will be set out in regulations.

A copy of the Home Office guidance sheet on Community and Ancillary Sellers Notices (CAN's) is attached at **Appendix A**.

The Home Office are yet to confirm a start date for this provision.

2.2 **Deregulation of Late Night Refreshment.**

On 1 October 2015, the Home Office issued revised guidance on the licensing of late night refreshment:

1. On or from premises which are wholly situated in a designated area;
2. On or from premises which are of a designated description; or
3. During a designated period (beginning no later than or earlier than 23:00 hours and ending no later than 05:00 hours).

The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate.

However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 11pm may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.

Paragraph 2A of Schedule 2 to the Licensing Act 2003 (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- On or from premises which are wholly situated in a designated area;

- On or from premises which are of a designated description; or
- During a designated period (beginning no earlier than 11:00pm and ending no later than 05:00 am).

Members of the Licensing Committee are asked to consider the points set out above, and to debate the possibility of de-regulation if considered appropriate for the borough. It should be noted that the de-regulation of this activity could lead to an increase in noise and disturbance for local residents and an increase in crime and disorder.

A copy of the Home Office guidance document on the de-regulation of Late Night Refreshment is attached at **Appendix B**.

2.3 **Amendment - Temporary Event Notices (TEN).**

From the 1st January 2016, the limit of temporary events that can be notified to the Licensing Authority in a calendar year has been increased from 12 events to 15 events.

2.4 **The Policing and Crime Bill – Proposed amendments to the Licensing Act 2003.**

The Policing and Crime Bill was introduced to Parliament on Wednesday 10 February 2016 and had its first reading in the House of Commons. The bill (relevant part is Part 7 of the bill) proposes to make the following amendments to the Licensing Act 2003:

- Amending the definition of alcohol to ensure that powdered alcohol and vaporised alcohol fall within the definition;
- Amending the summary review process to allow licensing authorities to keep interim steps in place between the review hearing and the outcome of any appeal. Also amending section 53b to limit the number of times a licensee can make representations against the interim steps before the review hearing;
- Giving licensing authorities the power to revoke or suspend a personal licence when the holder is convicted of a relevant offence;
- Adding to the list of relevant offences; and
- Removing the requirement to lay the section 182 Guidance to Licensing Act 2003 document before Parliament when it is revised.

The full version of the Policing and Crime Bill can be found on the Parliament website by using the following link:

<http://services.parliament.uk/bills/2015-16/policingandcrime.html>

A copy of the relevant section (Part 7) of the Policing and Crime Bill is attached at **Appendix C**.

- 3. Alternative options.**
 - 3.1 None for the purpose of this report.
- 4. Consultation undertaken or proposed.**
 - 4.1 None for the purpose of this report.
- 5. Timetable.**
 - 5.1 None for the purpose of this report.
- 6. Financial, resource and property implications.**
 - 6.1 None for the purposes of this report.
- 7. Legal and statutory implications.**
 - 7.1 None for the purposes of this report.
- 8. Human rights, equalities and community cohesion implications.**
 - 8.1 These are statutory functions and are applied globally.
- 9. Crime and Disorder Implications.**
 - 9.1 The service has a statutory duty to contribute to the reduction of crime and disorder within the London Borough of Merton under Section 17 Crime and Disorder Act 1988. The prevention of crime and disorder is also one of the licensing objectives as defined in the Licensing Act 2003 and in the Council's current Statement of Licensing Policy.
- 10. Risk management and health and safety implications.**
 - 10.1 All risk and health and safety implications have been considered when compiling this report. None are apparent.
- 11. Appendices – the following documents are to be published with this report and form part of the report.**
 - 11.1 **Appendix A** - Home Office guidance document on Community and Ancillary Sellers Notices.
 - 11.2 **Appendix B** - Home Office guidance document on the deregulation of Late Night Refreshment.
 - 11.3 **Appendix C** – Relevant section of the Policing and Crime Bill (Part 7) proposed amendment to the Licensing Act 2003 published on the Parliament website on Wednesday 10 February 2016.
- 12. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report.**
 - 12.1 The Licensing Act 2003; and
 - 12.2 Revised guidance issued under section 182 of the Licensing Act 2003.

The Community and Ancillary Sellers Notice

What is the Community and Ancillary Sellers Notice?

The Community and Ancillary Sellers Notice (CAN) will be a new, light touch, low cost authorisation under the Licensing Act 2003 which will benefit particular small businesses and community groups who wish to sell¹ or provide small amounts of alcohol in limited circumstances as an ancillary part of a wider service or an organised event, without any other form of licensing authorisation.

What is the policy's aim?

The CAN will solve a key problem for particular businesses (the Government intends to limit these to bed and breakfasts and similar, small overnight accommodation providers at the outset) who wish to sell small amounts of alcohol as part of the wider service they already provide and for community groups (such as voluntary groups and charities) who hold occasional events at which they would like to sell limited amounts of alcohol which is ancillary to the main event. These groups complain that premises licences (which range in cost from £100 to £1900 and accompanying personal licence application fees of around £75) or multiple temporary event notices (currently £21 each) can be costly and burdensome and disproportionate in view of the low risk, low volume nature of the sales they wish to make. The CAN offers a lighter touch, cheaper alternative (lasting three years).

Who will be able to use a CAN?

Community organisations such as charities and 'non-profit' voluntary groups carrying out activities in the local area with a named CAN user who will act on behalf of the community group and 'ancillary sellers' of alcohol such as B&Bs and other small accommodation providers. Details on exactly who will be able to benefit from a CAN will be set out in regulations.

What will a CAN allow a user to do?

For a relatively low, one-off fee a CAN user will be able to sell a limited amount alcohol (to be set out in regulations) over the course of three years between the hours of 7am and 11pm.

- Community group users will be able to name up to three premises at which they intend to provide alcohol at organised events, with a maximum of 300 attendees. The alcohol sold at the event must also be ancillary to the main purpose of the event (such as a glass of wine at a play or with a lunch).
- Ancillary business sellers will name a single premises at which they will be making sales of alcohol. The sales must be ancillary to the goods or main service being provided and the alcohol must be consumed on the premises unless regulations provide otherwise. An example is a drink for paying guests at a B&B, although alcohol limits and circumstances of use for different groups will be set out in regulations.

¹ For example, a "complimentary" alcoholic drink as a part of a contract for the provision of a service or alcohol "given" as part of ticket price or in exchange for a donation constitutes a sale of alcohol in law.

How will someone ‘apply’ for a CAN?

The CAN user will send a simple form to the local licensing authority copying in the police and environmental health authority (EHA), as with temporary event notices. The police and EHA are copied automatically if notice is given using an official electronic facility, which must be available. The user will state whether it is a community group or ancillary seller, that they understand the legal parameters and pay the prescribed fee. They will also name either the single premises or set of three premises at which alcohol will be sold depending on what type of user they are.

Alcohol can be harmful. Why are you doing this?

The Government is committed to tackling alcohol harms and irresponsible drinking and has a programme of work to do this (see links below). The CAN is aimed at benefitting low risk, responsible drinkers, whilst freeing up local authorities and the police to tackle alcohol-related crime and disorder and other alcohol-related harms.

What safeguards are there?

Strict parameters including on how much alcohol can be sold, by whom and in what circumstances are designed to restrict both businesses and customers and prevent loopholes. Other safeguards such as rights of entry to investigate problems and criminal liability of CAN users for licensing offences will also apply as they do with other alcohol authorisations. The police and EHA will be able to object to a CAN taking effect at the outset on grounds that one or more of the licensing objectives would be undermined. Licensing authorities will also have discretion to reject CANs. Where problems arise after a CAN has taken effect the police and EHA will be able to seek revocation through a light touch process with no hearing or appeal process involved. Once a user has had a CAN revoked that user (or an associate) would not be able to give notice again for a period of 12 months.

What details are still to be decided?

Exact limits on the amount of alcohol that can be served and any exceptions; eligible business types (including the maximum size); the definition of qualifying community groups; the frequency of permitted events and details on the fee are all matters to be decided in secondary legislation following the further consultation in November-December 2014. The aim is to keep costs as low as possible (and certainly below that of a premises licence fee).

- The CAN is part of the Deregulation Bill being considered by Parliament. Progress of the measure and the Bill can be viewed on the Parliament site at: <http://services.parliament.uk/bills/2014-15/deregulation.html>.
- The Minister for Crime Prevention introduced the CAN on 14 May 2014. Link to the debate in the House of Commons: <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140514/debtext/140514-0002.htm>.
- Further detail on the Government’s thinking and estimated effects of the CAN is set out in the published impact assessment on the gov.uk website: <https://www.gov.uk/government/consultations/alcohol-strategy-consultation>.
- The Government’s Alcohol Strategy and response to its consultation are available at: <https://www.gov.uk/search?q=alcohol+strategy&tab=government-results>

Alcohol team, Home Office (last updated: 10 November 2014)



Home Office

Guidance on the licensing of late night refreshment

1. Introduction

- 1.1 This guidance sets out what activities are to be treated as the provision of late night refreshment and as such are regulated under the Licensing Act 2003 (“the 2003 Act”). It also sets out which activities are exempt from the late night refreshment aspects of the licensing regime. In particular, it includes guidance on the provisions in the Deregulation Act 2015 which amends the 2003 Act to give licensing authorities powers to opt to exempt supplies of late night refreshment from the licensing requirements of the 2003 Act which are made at or from certain designated locations, types of premises or times.
- 1.2 This guidance is not issued as part of the statutory guidance under section 182 of the 2003 Act but will be incorporated into the section 182 guidance when it is next updated. It is intended to assist licensing authorities and police forces with monitoring and enforcement activity in relation to the provision of late night refreshment. It may also help businesses who wish to provide hot food or drink to determine whether they will require a licence under the 2003 Act in order to do so.

2. General

- 2.1 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves only the supply of ‘hot food and hot drink’ between the hours of 11pm and 5am. Under Schedule 2, food or drink is considered to be ‘hot’ if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 2.2 Shops, stores and supermarkets selling cold food and cold drink, whether it is immediately consumable or not, from 11.00pm are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 11.00pm and until 5.00am. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.
- 2.3 Some premises provide hot food or hot drink between 11.00pm and 5.00am by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.
- 2.4 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.
- 2.5 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.
- 2.6 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.
- 2.7 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.

- 2.8 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.4 below for more detail on provisions for 'Vessels, vehicles and moveable structures').
- 2.9 Supplies of hot food or hot drink from 11.00pm are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:
- a member of a recognised club supplied by the club;
 - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
 - an employee of a particular employer (for example in a staff canteen);
 - a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
 - a guest of any of the above.

3. Exemptions based on designated locations, premises types and times

- 3.1 The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. However, these safeguards may not be needed everywhere or for every type of late night refreshment business. For example, some late-night cafés serving hot drinks after 11pm may be located nowhere near pubs and nightclubs or areas associated with alcohol-related crime and disorder.
- 3.2 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with anti-social behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.
- 3.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- a) on or from premises which are wholly situated in a designated area;
 - b) on or from premises which are of a designated description; or
 - c) during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).
- 3.4 When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

Vessels, vehicles and moveable structures

Under section 189 of the 2003 Act, a vehicle which is not permanently situated in the same place and is or is proposed to be used for one or more licensable activities while parked at a particular place, is to be treated as if it were premises situated at that place. Therefore, a mobile provider of late night refreshment, such as a kebab van, could be treated as exempt if it supplied hot food to the public late at night in an area which had been designated as exempt. If the mobile van drove to and began operating in a non-exempt area, a licence to carry on this activity would be required. Should the licensing authority introduce an exemption, and subsequently wish to revoke it if problems arise, it has the power to do so. Areas which are likely to be considered for exemption by licensing authorities (for example, an area outside a town centre) are unlikely to be areas in which mobile kebab vans would frequently operate. As such, mobile vehicles selling late night refreshment are likely to still require licences in the areas in which they are more commonly found.

- 3.5 When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:
- Motorway service areas;
 - petrol stations;
 - local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
 - hospitals (except domestic premises);
 - community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
 - licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.
- 3.6 When choosing to exempt the provision of late night refreshment at particular times, the relevant licensing authority must determine the times between 11pm and 5am when the exemption applies. The exemption and any subsequent change to the time will apply to the whole licensing authority area.
- 3.7 A relevant licensing authority may use more than one type of exemption at the same time, for example by changing the times across the licensing authority area during which licensing requirements will apply and also exempting premises by type across the whole licensing authority area. However, it cannot use different forms of exemption in conjunction with one another – for example, it would not be permitted to change the times in one geographic area only.
- 3.8 Where a premises is situated in the areas of two or more licensing authorities, any of those authorities may be the relevant licensing authority and it would be advisable for an authority wishing to apply an exemption to discuss it with the other authority concerned. This might apply, for example, where an area or premises type exemption is being applied and the licensing authority is aware that a particular premises such as a motorway service area sits across the boundary of two or more licensing authority areas.

- 3.9 Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.
- 3.10 Existing late night refreshment licences for premises that become exempt from regulation will remain extant unless the holder chooses to surrender it to the licensing authority, but there will be no requirement on the licence holder to pay annual renewal fees and any conditions on the licence will cease to apply for as long as the exemption is in place. In cases where an exemption in relation to late night refreshment provision is applied, other licensing is unaffected. For example if a premises is licensed to sell alcohol and is exempt from requiring a late night refreshment licence, their licence in respect of the sale of alcohol is unaffected. Where a premises benefits from an exemption applied by the licensing authority, any existing conditions on a licence relating solely to the provision of late night refreshment will have no effect during the period of the exemption.
- 3.11 When deciding which exemption to use, if any, the relevant licensing authority should always first consider what the risks are in terms of the promotion of the licensing objectives. The decision to make an exemption is a licensing function that licensing authorities should include within their statement of licensing policy. It would then therefore be subject to the statutory consultation process with other responsible authorities and relevant parties set out in section 5 of the 2003 Act. However, it is for the licensing authority to decide on the detail and extent of the consultation beyond the statutory minimum. The licensing authority may decide to only consult on the proposed exemption or, alternatively, it may form part of a wider review of other matters within its statement of licensing policy. It is also for the licensing authority to decide within its statement of licensing policy whether the decision to grant exemptions is delegated to its licensing committee or to an officer.
- 3.12 When applying any of the exemptions the relevant licensing authority must publicise the changes and should decide on the most appropriate way to do this, in addition to updating its statement of licensing policy as soon as is practical. There is no requirement for licensing authorities to tell premises individually, however they should publicise the exemption in a way that ensures that those who are likely to be affected may benefit from it. If any fees are paid prior to an exemption coming into effect, licensing authorities should consider whether a refund or partial refund is appropriate. It is for each individual licensing authority to develop its own refund policy and ensure that it is communicated appropriately to all licence holders that are likely to be affected by an exemption.
- 3.13 Licensing authorities can review the exemptions at any time, to change the times, locations or types. However, unlike many other types of licensing decision, the late night refreshment exemptions are not made on a case by case basis and there is no recourse to bring an individual premises back into the licensing regime if there is a problem with that particular premises. In such cases the licensing authority would have to take a decision about the entire exemption and apply it across the whole area. Alternatively, depending on the scale of the problem, other powers could be used such as closure powers under the Anti-social Behaviour, Crime and Policing Act 2014. Environmental health legislation around noise nuisance may also offer a solution.

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Extract from the Policing and Crime Bill - Part 7 Alcohol Licensing - Proposed Amendments to the Licensing Act 2003.

Meaning of “alcohol”: inclusion of alcohol in any state

In the Licensing Act 2003, in section 191(1) (meaning of “alcohol”) after “liquor” insert “(in any state)”.

Interim steps pending review: representations

(1) In the Licensing Act 2003, section 53B (interim steps pending review) is amended as follows.

(2) In subsection (6) at the beginning insert “Subject to subsection (9A),”

(3) After subsection (9) insert—

“(9A) Where the relevant licensing authority has determined under subsection (8) whether to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination.”

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Summary reviews of premises licences: review of interim steps

(1) The Licensing Act 2003 is amended as follows.

(2) Section 53C (review of premises licence following review notice) is amended as follows.

(3) In subsection (2)—

(a) at the end of paragraph (a) insert “and”,

(b) in paragraph (b) omit “and”, and

(c) omit paragraph (c).

(4) After subsection (11) insert—

“(12) Section 53D makes provision about the application and review of any interim steps that have been taken under section 53B in relation to a premises licence before a decision under this section comes into effect in relation to the licence.”

(5) After section 53C insert—

“53D Interim steps pending section 53C decision coming into effect

(1) At the hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.

(2) In conducting the review under this section, the relevant licensing authority must—

- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) consider any relevant representations; and
- (c) determine whether to withdraw or modify the interim steps taken.

(3) The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence.

(4) Any interim steps taken under subsection (3) apply until—

- (a) the end of the period given for appealing against a decision made under section 53C,
- (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
- (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).

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(5) Any interim steps taken under section 53B in relation to a premises licence cease to have effect when the decision made under section 53C comes into effect.

(6) In subsection (2) “relevant representations” means representations which—

- (a) are relevant to one or more of the licensing objectives, and
- (b) meet the requirements of subsection (7).

(7) The requirements are—

- (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the period prescribed under subsection 53A(3)(e),

- (b) that they have not been withdrawn, and
- (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(8) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.

(9) A decision under this section may be appealed (see paragraph 8B of Part 1 of Schedule 5 (appeals: premises licences)).”

(6) Part 1 of Schedule 5 (appeals: premises licences) is amended as follows.

(7) After paragraph 8A (summary review of premises licence) insert—

“Review of interim steps

8B(1) This paragraph applies where a review of interim steps is decided under section 53D (review of interim steps at a summary review of a premises licence).

(2) An appeal may be made against that decision by—

- (a) the chief officer of police for the police area (or each police area) in which the premises are situated, or
- (b) the holder of the premises licence.

(3) An appeal under this paragraph must be heard by the magistrates’ court within the period of 28 days beginning with the day on which the appellant commenced the appeal (see paragraph 9(2)).”

(8) This section does not apply to applications made under section 53A of the Licensing Act 2003 (summary reviews on application of senior police officer) where a decision in relation to that application has been made under section 53C (review of premises licence following review notice) before the coming into force of this section.

Personal licences: licensing authority powers in relation to convictions

(1) The Licensing Act 2003 is amended as follows.

(2) In section 10(4)(a) (functions that may not be delegated to an officer) after sub-
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paragraph (xii) insert—

section 132A(8) and (12) (revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties),”.

(3) After section 132 (licence holder’s duty to notify licensing authority of convictions) insert—

“132A Convictions etc of licence-holder: powers of licensing authority

(1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence (“the licence holder”) has been, at any time before or after the grant of the licence—

- (a) convicted of any relevant offence or foreign offence, or
- (b) required to pay an immigration penalty.

(2) But this section does not apply at any time when—

(a) in the case of a licence holder who has been convicted of any relevant offence or foreign offence—

- (i) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or
- (ii) the time limit for appealing against such a conviction or sentence has not expired, or

(b) in the case of a licence holder who has been required to pay an immigration penalty—

- (i) the licence holder has objected to, or appealed against, the imposition of the penalty and that objection or appeal has not been disposed of, or
- (ii) the time limit for objecting to, or appealing against, the imposition of the penalty has not expired.

(3) The relevant licensing authority may—

- (a) suspend the licence for a period not exceeding six months, or
- (b) revoke the licence.

(4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.

(5) A notice under subsection (4) must invite the licence holder to make representations regarding—

- (a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,
- (b) any decision of a court under section 129 or 130 in relation to the licence, and
- (c) any other relevant information (including information regarding the licence holder’s personal circumstances).

(6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.

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(7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account—

- (a) any representations made by the licence holder under this section,
- (b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and
- (c) any other information which the authority considers relevant.

(8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence, unless subsection (9) applies.

(9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.

(10) Where subsection (9) applies the authority must—

- (a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and
- (b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.

(11) The chief officer of police may make representations under subsection (10) (b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.

(12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account—

- (a) any representations from the officer, and
 - (b) the matters described in subsection (7),
- and then make a decision whether to suspend or revoke the licence.

(13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.

(14) A decision under this section does not have effect—

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

(15) A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).”

(4) In paragraph 17 of Part 3 of Schedule 5 (appeals: personal licences) after subparagraph (5) insert—

“(5A) Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision.”

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Licensing Act 2003: addition of further relevant offences

(1) Schedule 4 to the Licensing Act 2003 (personal licence: relevant offences) is amended as follows.

(2) In paragraph 18 (sexual offences), after sub-paragraph (a) insert—

“(aa) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);”

(3) After paragraph 19 (violent offences) insert—

“19AA An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).”

(4) After paragraph 22 (fraud offences) insert—

“22ZAA An offence under any of the following provisions of the Violent Crime Reduction Act 2006—

(a) section 28 (using someone to mind a weapon);

(b) section 36 (manufacture, import and sale of realistic imitation firearms).”

(5) After paragraph 23A (offences under the Psychoactive Substances Act 2016) insert—

“23B An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).”

Licensing Act 2003: guidance

In the Licensing Act 2003, in section 182 (guidance) omit subsections (2) and (4) to (6).

Committee: Licensing

Date: 23rd February 2016

Wards: All

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

Lead officer: Paul Foster

Lead member: Cllr. Judy Saunders

Contact officer: Barry Croft

Recommendations:

- A. That the Licensing Committee resolves to designate proposed areas 1 and 3 and refuses the designation of area 2.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report relates to requests for the designation of licence streets and summarises comments received through a consultation process with interested parties.

2 DETAILS

- 2.1. The Street Trading Service has received applications from traders interested in utilising the highway for the purposes of street trading.
- 2.2. This report concerns applications for 3 new licence street designations.
- 1) An area of 3m x 0.6m outside Chango, 12 High Street Wimbledon SW19 5DX, 7am – 8pm Monday –Sunday inclusive
 - 2) An area of 4.2m x 2.5m on The Causeway, midway between Camp Road and Cannizaro Road SW19, 7am – 7pm Monday –Sunday inclusive
 - 3) An area of 5.7m x 2m outside Waffle Jacks, 8 Merton Park Parade London SW19 3NT, 7am – 11pm Monday –Sunday inclusive
- 2.3. Plans and photographs of the proposed areas are included in Appendix B.
- 2.4. Street Trading is regulated by the London Local Authorities Act 1990 as amended.
- 2.5. All street trading is administered and regulated by the Council using this legislative framework. The London Local Authorities Act 1990 permits a street trading licence to be granted for “not less than six months and not more than three years”. There are two types of street trading licence granted in the Borough. 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.
- 2.6. A one year Street Trading Licence can only be granted for areas designated as licence streets.

- 2.7. 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. Street trading licences are renewable annually.
- 2.8. Comprehensive regulations and standard conditions 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.
- 2.9. Street trading licence fees for the year 2015-2016 are shown in Appendix E.

3 ALTERNATIVE OPTIONS

- 3.1 All designations shall be granted.
- 3.2 All designations shall be refused.
- 3.3 Area 2 has its designation granted.
- 3.4 Designation areas can be reduced in size from application.
- 3.5 Temporary licences can be issued where there are specific concerns requiring further assessment.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The consultation process and consultees are defined by the London Local Authorities Act 1990.
- 4.2. A notice was placed in the Local Guardian newspaper advising the public of the consultations and requesting comments. A copy of the notice is included in Appendix A.
- 4.3. Notices were attached to street furniture in the immediate vicinity of the proposed areas.
- 4.4. Electronic copies of the notices were also sent to ward councillors, residents associations and interested parties as part of a Licensing group notification email.
- 4.5. As part of the consultation process comments were invited from both external and internal agencies such as, LBM Traffic & Highways, LBM Planning and the Police.
- 4.6. **Ward Councillors Representations:**

Cllr John Bowcott – Village ward

I wish to object to the application for a street trading licence [designation] on The Causeway. This location is a significant public amenity offered protection by an Act of Parliament. It would be harmed by an intrusion of this kind. I have seen the representation made by Mr Simon Lee of the Common Conservators. I think that he speaks for all local people when he describes the problems that this would cause if it were given approval. In addition the Causeway is somewhere we intend to improve the availability of parking opportunities for the benefit of users of both the Common and the Village itself. The application would impact only marginally on the space available for this but it would have a considerable negative impact on the great

improvements that this is intended to have on the public amenity of a tranquil open space.

4.7. **Traffic and Highways:**

1) Chango - Traffic and Highways do not object in principal to the designation of the area outside Chango but would request that the licence holder is aware of the potential safety issues arising from patrons over-spilling the space. We would expect this to be managed under the provisions and conditions of the licence and for the equipment used on site to at all times comply with the designated sizes and licence times.

2) The Causeway - Traffic and Highways do not object to this application but request that consideration on site is given that the customer base will wholly be positioned on Wimbledon and Putney common conservator land. We cannot advise if this is a breach of common land usage and advise contact with the Common Conservators in this regard.

3) Waffle Jacks - Traffic and Highways do not object to this application but request that consideration on site is given to the pinch point to the left of the property when viewed from the road. There is a high risk of conflict between seated patrons and vehicles entering Merton Park Parade from Kingston Road due to the restrictive footway width adjacent to the weight limit restriction sign and post. However there would not be a problem with the area to the right hand side as looking from the road, and we request the area is restricted/reduced to this section only to ensure safety to pedestrians and patrons.

4.8. **Future Merton** objects to the application **Reference WK/201506582** (The Causeway). We have parking management proposals for this road that are supported by [Director] Chris Lee, Parking Services and Ward Cllrs. We are due to start our statutory consultation shortly and likely implementation this financial year. For this specific location [we] also suggest that Wimbledon Common Conservators are also consulted.

4.9. **Street Trading Service comments –**

1) Chango 12 High Street Wimbledon. The owner has applied for a licence to allow the placement of tables and chairs outside their shop. We feel there is sufficient space on the highway outside the property to allow the placement of the tables and chairs without causing undue inconvenience to the public and is in keeping with the licences in the area. The operator has been using the space under a Temporary licence for two months, with no complaints received. The area can be busy during the end of the school day but we do not believe the space will impact upon this significantly. We note the concerns of our Highways colleagues. Any breaches of the area can be dealt with under the licence conditions.

As there are no reasonable grounds for refusal, the officer recommendation is for the designation of this area to allow the issuing of a new street trading licence.

2) The Causeway - The road in question is capable of accommodating standard Transit sized vehicles but is narrow in width which could create more of a hazard to passing traffic. Our consultation has highlighted significant issues in the area as seen by the numbers of representations

received. Officers have also witnessed the placement of caravans on the road.

Under several bylaws, the Conservators of the Common have refused permission for the business to use any part of the common. As these bylaws prevent the use of the common itself, we do not feel any legal trading can take place. The site would not be accessible as any serving hatch would need to be facing onto Wimbledon Common.

It should also be noted there are steps being taken to review the parking restrictions in the area. It is not possible to issue a street trading licence in a designated parking bay. Therefore, if the parking restrictions come into force and the licence street designation is granted, we would not be able to grant a licence to use it.

Considering the impact of the business on the surrounding area we would be minded not to grant a street trading licence. Although these issues would not purely be down to the business operator, they are likely to be mitigating factors.

Although members are to consider whether the site is suitable for trading, it must be taken into account the purpose for which the designation is intended. We would therefore recommend the refusal of this designation.

3) Waffle Jacks 8 Merton Park Parade. The owner has applied for a licence to allow the placement of tables and chairs outside their shop. The operators have been using the space under a temporary licence for six months and we have received no complaints regarding its usage. The area is busier at the end of the school day but we do not believe the designation will impact upon this significantly.

Following representations from LBM Highways (4.7) the applicant has agreed to reduce the size of the area requested. This was due to the pinch point evidenced in Appendix B (3.2). We feel there is sufficient space on the highway outside the property to allow the placement of the tables and chairs without causing undue inconvenience to the public and recommend the granting of the designation for the reduced area size of 3.2m X 1.7m as shown in Appendix B (3.3).

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. The collection of licence fees will assist the Councils ability to fund the necessary budget requirements for the provision of the service.

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 two of the three designations. 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. The Committee would be expected to consider some of the following issues:
- highway safety,
 - highways obstruction,
 - street furniture or bus stop safety,
 - volume of traffic,
 - access for emergency services,
 - over use of area,
 - risk of danger to pedestrians and other road users with the presence of a trading unit/stall,
 - detriment or annoyance to residents from the proposed street trading.
- 6.8. Each application must be considered on its own merits and be reasonable. In making a balanced and reasonable decision, it should be considered whether an ‘unsightly’ pitch or a site with an issue involving enough ‘space’, is sufficient reason to refuse a designating resolution. A decision could reasonably be made to address those issues through the conditions of the licence e.g. the trading days and times permitted.
- 6.9. The Council is legally obliged to consider all applications and to only refuse on the grounds set out in the London Local Authorities Act 1990 (as amended).
- 6.10. It should be noted that many representations received during the consultation phase relate to the type of trading and not the designation of a licence street to which Committee is concerned.

- 6.11. Under Section 24 (9) of the Act, after the Borough Council have considered those representations, they may if they think fit, pass such a resolution relating to the street.
- 6.12. Under section 24(3) of the Act, 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.
- 6.13. Under section 24(10) of the Act, 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) of the Act, 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.
- 6.14. The issuing of the street trading licence and associated conditions are to be taken by officers under delegated powers. The designation of licence streets has followed this process since the Act was enacted, with some sites previously designated under the Highways Act 1980.

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 – London Local Authorities Act 1990 Section 24 – Designation of Licence Streets
- Appendix E – Street Trading Licence Fees
- Appendix F – 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 3 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 2 licences.

- 1) An area of 3m x 0.6m outside Chango 12 High Street Wimbledon SW19 5DX. 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 – 8pm Monday – Sunday inclusive. **Reference WK/201313479**
- 2) An area of 4.2m x 2.5m on The Causeway midway between Camp Road and Cannizaro Road SW19. The Council has also been requested by Mr John Peters of Broomloan Lane Sutton SM1 to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering van on the designated site 7am – 7pm Monday – Sunday inclusive. **Reference WK/201506582**
- 3) An area of 5.7m x 2m outside Waffle Jacks 8 Merton Park Parade London SW19 3NT. 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 – 11pm Monday – Sunday inclusive. **Reference WK/201506585**
- 4) The Council has been requested by Mr Arkadiusz Okulicz of Winterfold Close London SW19 to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering stall in St. Mark's Place Wimbledon SW19 8am – 8pm Monday to Sunday inclusive. **Reference WK/201508042**
- 5) The Council has been requested by Mr Kyle Lambeth-Williams to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering trailer/food van on the designated pitch near 80 Morden Road and opposite Ravensbury Park 5.30am – 3pm Monday to Saturday inclusive. **Reference WK/201508043**

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 3rd December 2015. 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 5th November 2015

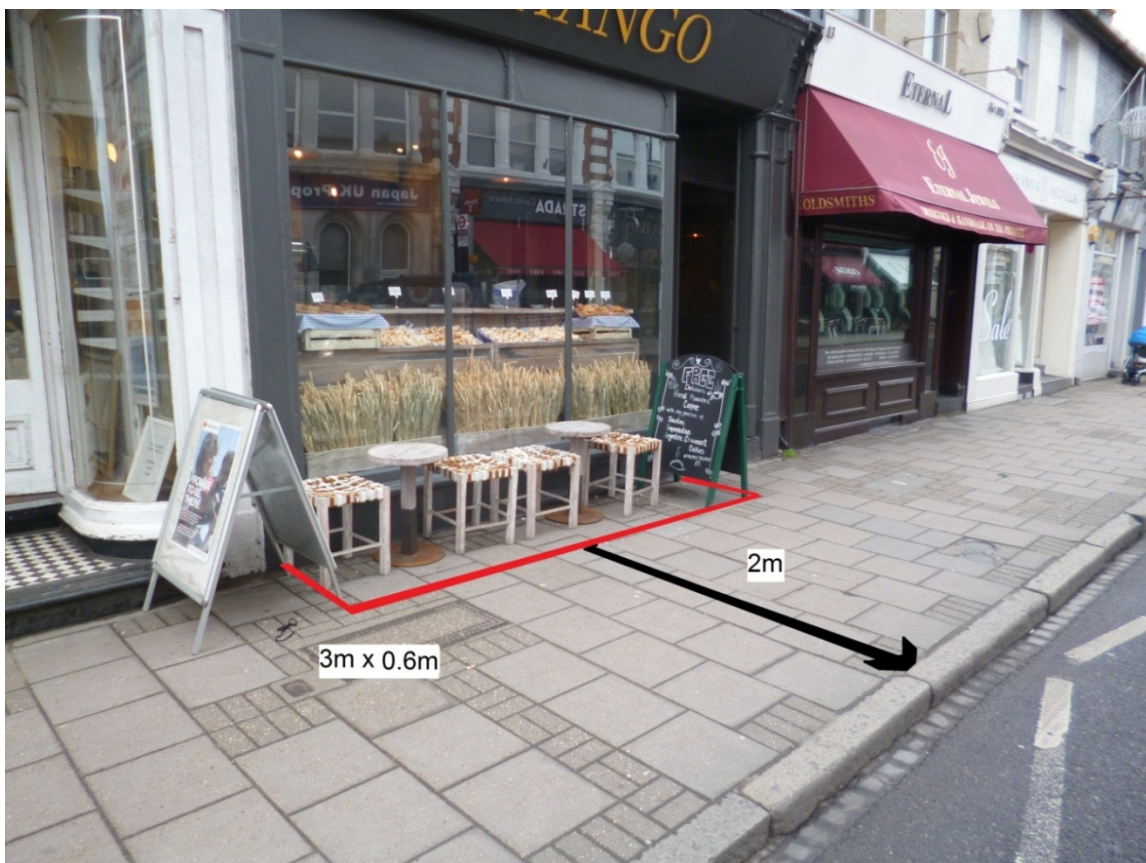
Appendix B

1) Chango 12 High Street Wimbledon

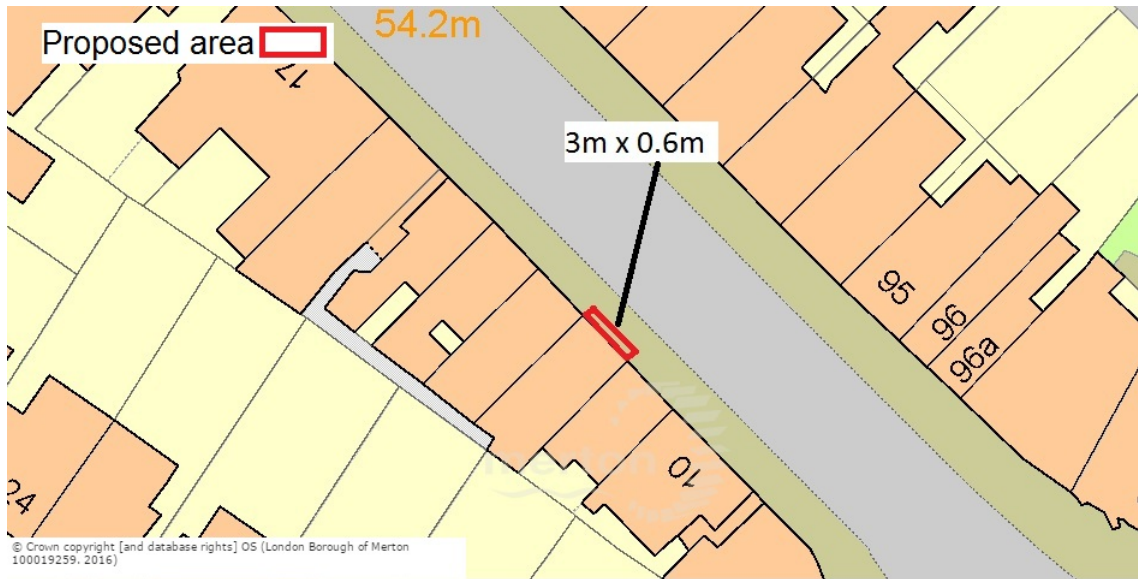
1.1



1.2



1.3 Plan of area around Chango



2) The Causeway Wimbledon

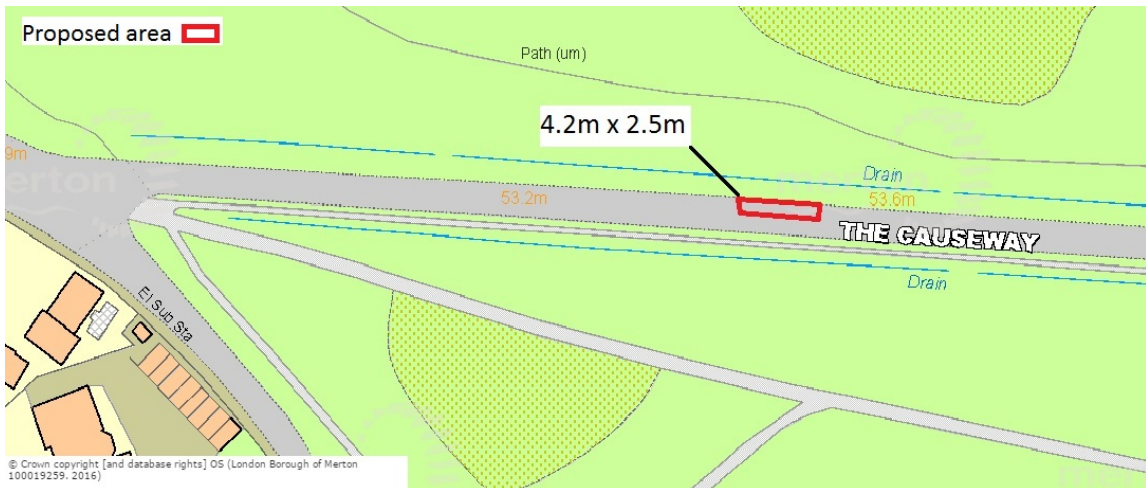
2.1



2.2



2.3 Plan view of the West end of The Causeway



3) Waffle Jacks 8 Merton Park Parade

3.1 Waffle Jacks Proposed area



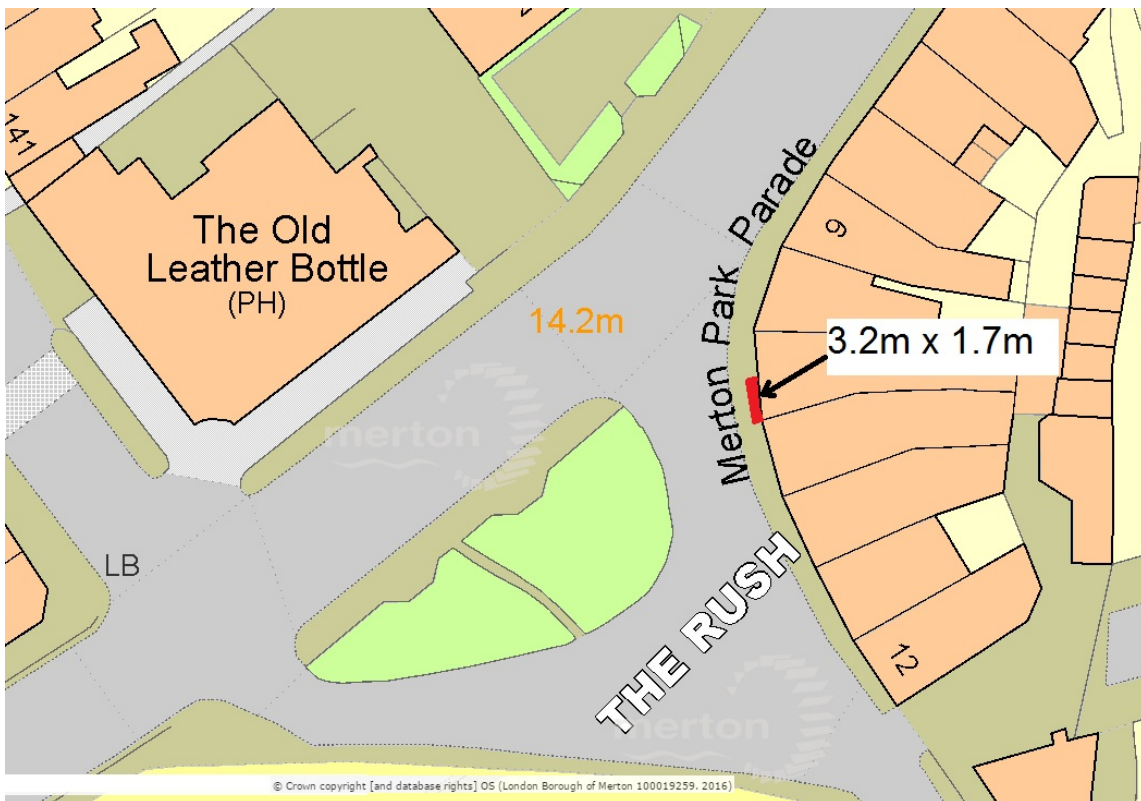
3.2 Pinch Point



3.3 Waffle Jacks recommended area



3.4 Waffle Jacks location plan



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.

Appendix D

London Local Authorities Act 1990 Section 24

Designation of licence streets

24 (1) If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions:—

- (a) a resolution (in this Part of this Act referred to as a “designating resolution”) designating any street within the borough as a “licence street”;
- (b) a resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will, or other than which they will not, prescribe in any street trading licence granted by them in respect of that street; and may from time to time by subsequent resolution rescind or vary any such resolution:

Provided that a borough council shall—

- (a) before passing a designating resolution, consult with the Commissioner of Police of the Metropolis on their proposal; and
- (b) before rescinding or varying a designating resolution, consult with the licence holders trading in the street in question, or a body or bodies representative of them, on their proposal.

(2) At the appointed day for the purposes of this Part of this Act in a borough, the streets prescribed by any licences granted by the council of the borough in pursuance of powers contained in any of the enactments referred to in column (2) of Schedule 2 to this Act and then in force shall be deemed to have been designated as licence streets under a designating resolution.

(3) If a borough council pass a designating resolution the designation of the street shall take effect on the day specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(4) A borough council shall not pass a resolution or rescind or vary a resolution under this section unless—

- (a) they have published notice of their intention to do so in a local newspaper circulating in their area;
- (b) they have served a copy of the notice on the highway authority for that street (unless they are that highway authority); and
- (c) where subsection (5) below applies, they have obtained the necessary consent.

(5) This subsection applies—

- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
- (b) where the resolution designates as a licence street any street maintained by a highway authority;

and in subsection (4) above “necessary consent” means—

- (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and
- (ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(6) The following are relevant corporations for the purposes of this section:—

- (a) British Railways Board;
- (b) London Regional Transport;

* * * * *

- (d) Network Rail Infrastructure Limited; and
- (e) Transport for London.

(7) The notice referred to in subsection (4) above shall—

- (a) contain a draft of the resolution to which it relates; and
- (b) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

(8) As soon as practicable after the expiry of the period specified under subsection (7) above, the borough council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(9) After the borough council have considered those representations, they may if they think fit, pass such a resolution relating to the street as is mentioned in subsection (1) above.

(10) The borough council shall publish notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks.

(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.

Appendix E

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 2015 – 31ST March 2016

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

Administrative Fees

New Street Trading Licence Application 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	£103
Over 1 sq m up to 6 sq m	£578
Over 6 sq m up to 12 sq m	£867
Over 12 sq m up to 18 sq m	£1,156
Over 18 sq m	£1,735

Temporary Monthly Licence for Forecourt, and Tables and Chairs where a full application is being processed.

Up to 1 sq m	£8.50
Over 1 sq m up to 6 sq m	£48
Over 6 sq m up to 12 sq m	£72
Over 12 sq m up to 18 sq m	£96
Over 18 sq m	£145

Other Pitches

Remote pitch not on a market e.g. catering van	£1,360
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Market Fees (Temporary Licence per pitch per trading day)

Regular Market	£12
Casual Market	£20

Specialist Market Fee (minimum ten stalls/pitches for up to 4 days or part thereof)
£515

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

Daily	£52.50
Weekly	£263
Monthly	£1051

These fees are calculated to reflect the reasonable costs of the Council in administering street trading in the borough.

Street Trading
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Appendix F Representations

As of 1st November 2015 the Street Trading function moved from Trading Standards to Licensing within the Regulatory Services Partnership. Therefore the initial notice and consultation contact point was altered after the process began. As such, any representations referring to the Trading Standards Service or Licensing Team are part of the same consultation.

For the purposes of this report all personal details, save those of Association Chairs, have been redacted. Full details are available to Members in a separate briefing.

1) Chango

See comment (4.7) from LBM Traffic and Highways in the main report above

2) The Causeway



**Wimbledon
and Putney
Commons**

Ranger's Office
Manor Cottage
Windmill Road
Wimbledon Common
London SW19 5NR

Tel: 020 8788 7655 Fax: 020 8780 2975

E-mail: rangersoffice@wpcc.org.uk

www.wpcc.org.uk

Twitter: @wimbledoncommon

Dear Mr Ryan

Many thanks for your e-mail.

I've passed it on to our Chief Executive and will let you have a response before the closing date.

Kind regards
Angela Evans
PA to Chief Executive

From: David Ryan
Sent: 16 November 2015 11:32
To: Rangers Office
Subject: Street Trading Consultation Notices
Importance: High

Dear Sirs,

Merton Council has received an application for a new street trading licence on The Causeway Wimbledon and would like to draw your attention to it as a consultee.

Item 2 on the attached notice would see a food vehicle placed on the highway with the serving hatch/counter facing Wimbledon Common land. As such the likelihood is that the customers would be standing on the common.

As the conservators of the common we would appreciate any representations you may have in this regard and also if there are any particular by-laws which may be in place on the common that would affect this application.

Yours,

David Ryan

Technical Officer (Street Trading)
Regulatory Services Partnership

Dear Mr Ryan,

Thank you for your e-mail of the 16th November 2015 drawing attention to the application received for a new street trading licence on The Causeway Wimbledon, that if permitted will allow the placing of a catering van on the very edge of the Common, 7am – 7pm Monday – Sunday inclusive.

Wimbledon Common is identified on Merton's adopted Core Planning Strategy as a Public Open Space, Metropolitan Open Land, and a Site of Metropolitan Nature Conservation Importance. It is noted that your planning policies acknowledge that the Commons importance and the need to maintain protection of the site.

The Commons comprise about 460 hectares (1,140 acres) of countryside split between Wimbledon Common, Putney Heath and Putney Lower Common. Approximately 360 hectares (900 acres) of the Commons are a Site of Special Scientific Interest and Special Area of Conservation (European designation), this includes Common land immediately adjacent to The Causeway.

The Conservators have a duty to maintain the Commons and to protect and preserve their amenity and character for the benefit and enjoyment of the public. Conservation of the Commons is a fundamental concern to the Conservators and it is wholly committed to maintaining and protecting and preserving this valued and important open space. The Conservators have specific duties under the Wimbledon and Putney Commons Act 1871 to preserve the "natural aspect" of the Commons and to protect flora and fauna.

The proposal given the location of the proposed catering van and the narrowness of The Causeway would require the catering van to be orientated such that customers would have to utilise land owned and managed by the Conservators to facilitate access to purchase food and beverages. This in itself, would present a risk to the public as the land has been modified to prevent incursions by unauthorised persons. It would also result in people congregating at a specific location on Common land, that would result in damage to the Commons.

Use of the Commons is regulated by means of specific Byelaws. Byelaw 3 states that "No unauthorised person shall sell or offer for sale or hire on the Commons any article, commodity, pamphlet, programme or thing." Byelaw 13 "No unauthorised person shall

in anywise, damage or destroy any turf ... or break or disturb the surface of the Commons ...”.

The applicant would not be permitted to utilise the Commons for the operation of any business or commercial activity. The proposed location of a catering van midway along The Causeway is not considered an appropriate location for such a facility, it would present a risk to the public, particularly children and people with physical impairments, who would be put in danger having to utilise this busy public highway to gain access to the catering outlet. It is also contrary to the underlying principles of the Wimbledon and Putney Commons Act 1871.

Given the above, Merton Council are requested not to approve this street trading application.

Please could you confirm that you will keep me updated of the progress of the application, and particularly of when any committee report and officer recommendation becomes available.

Yours sincerely

Simon Lee

Chief executive of Wimbledon and Putney Commons

From: Councillor John Bowcott

Sent: 18 November 2015 14:38

To: David Ryan

Subject: Street Trading Licence Ref WK/201508043 The Causeway SW 19

I wish to object to the application for a street trading licence on The Causeway. This location is a significant public amenity offered protection by an Act of Parliament. It would be harmed by an intrusion of this kind. I have seen the representation made by Mr Simon Lee of the Common Conservators. I think that he speaks for all local people when he describes the problems that this would cause if it were given approval. In addition the Causeway is somewhere we intend to improve the availability of parking opportunities for the benefit of users of both the Common and the Village itself. The application would impact only marginally on the space available for this but it would have a considerable negative impact on the great improvements that this is intended to have on the public amenity of a tranquil open space.

Regards

Cllr John Bowcott – Village ward Councillor

Dear Sirs,

I am a long term Wimbledon Resident with a home XX Parkside. I wish to register the strongest possible objection to the above application. If approved, this Catering Van will seriously worsen the existing Camper Van parking problem, encouraging more illegal parking. It will further impede access to the Common, create a garbage problem and generally diminish the quality of Wimbledon's most loved and appreciated natural asset.

Please do not approve this application.

Resident

STEPHEN HAMMOND MP



HOUSE OF COMMONS
LONDON SW1A 0AA



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

18 November 2015

Dear Sirs

REFERENCE WK/201506582

The above street trading licence application in respect of The Causeway has been brought to my attention. I strongly object to this application.

The Causeway runs across Wimbledon Common which is an area of natural beauty. There are already plenty of catering establishments in the area. The Causeway should be available for people who wish to park to enjoy the Common, Wimbledon Village or any of the restaurants, pubs and bars in the area for short periods of time.

I have received repeated complaints from Wimbledon constituents over the last eighteen months about the numbers of residential and commercial vehicles currently parked on The Causeway for months on end causing an eyesore. If permission is given for a catering van from 7 am – 7 pm each day this will exacerbate the situation and be detrimental to the attractive nature of the immediate area. I do not believe that The Causeway should be used for commercial activity.

I do hope that this application will be refused.

Yours faithfully

Stephen Hammond MP

Application for Street Trading Licence on the Causeway SW19
Ref. WK/201506582

We are writing to object strongly to the application for a Street Trading Licence on the Causeway.

The reasons for our objections are as follows:

1) The Causeway is a busy one way road crossing Wimbledon Common. The whole area can become very congested and the road is already full of parked cars as well as an increasing number of vans which remain there on a more permanent basis. A van selling food will attract even more traffic and drivers looking for somewhere to park.

2) Vans selling food inevitably cause pollution. Either the van engine will be running or there will be a generator.

The emissions from either will cause air pollution.

3) Street food generates litter. Wimbledon Common is an area of natural beauty to be enjoyed by all. To pollute it with food waste and litter and the smell of burgers and other such items is totally unacceptable.

4) There are a large number of shops, cafes and restaurants nearby where food can be purchased. There is no evidence of any need for a van selling food to the public on the Causeway.

Resident

Camp Road
Wimbledon Common
London SW19

I object most fervently to the application for a catering van on the Causeway, Wimbledon.

Resident

**Peek Crescent
London
SW19**

Dear Sirs,

I am writing reference the application which has been lodged for a Street Trading Licence on the Causeway, in a pitch midway between Camp Rd and Cannizaro Rd, which if permitted would allow a Catering Van to trade there from 7am-7pm Monday-Sunday. My wife and I strongly object to this application.

This is a most unsuitable location for such a facility. It is a narrow road already cluttered with camper vans, mobile homes, etc. permanently parked and with persons illegally living in them. The availability of on-site catering will only encourage such persons to stay.

There is no need for a catering facility on Wimbledon Common. It is not a place which requires the supply and consumption of food. Customers will throw their rubbish nearby. Spills and rubbish will attract foxes and vermin. There are many restaurants within walking distance in Wimbledon Village.

I trust that this outrageous application will be treated with the outright rejection that it deserves.

**Resident
Calonne Road
London SW19 , England**

Dear Sir

we wish to object most strongly to the proposal to allow a food sales van to trade from the Causeway / Cannizzaro Road - application WK 201506582

This is a most unsuitable location with narrow road and footway which already suffers congestion. The area is already often besieged by illegally parked camper vans and people thus living on these roads - catering facilities will encourage more to come and also lead to an increase in litter and waste which is proving hard to deal with. This is also major area for dog walkers, and a food van will cause distress to both animals and owners from food and debris - some of which may be poisonous to dogs when dropped on the surrounding grass and roads as often happens with these sort of operations.

This application should be refused and I hope you will agree with local sentiment which is very much against it.

Yours faithfully

Resident
Parkside Gardens
Wimbledon
London SW19

Dear Sir/Madam

I have been made aware of an application for a catering van to be parked alongside the common.

I am really saddened that there might even be a possibility that this could be the case, but was told that my little voice needs to be added to the voices of dismay to try to prevent further degradation of the area's natural beauty –which is what it is being conserved as.

This will just incur so many problems in a protected area, lets please continue to protect it. There are already growing problems, as clearly caravans are allowed to be permanently fixtures with no car attached. So I am a little confused that an application is needed for a van 7am-7pm when there are no parking restrictions? First of all please can we put parking restrictions up? Maybe a

maximum of 3 hours parking.? Enough for dog-walking and coffee at the windmill, or a cycle to Richmond park and back.

There is a pub and a café where people can get refreshment very near by, in buildings that have been part of the common for years. There are already people beginning to hang around at night obviously malnourished and sharing drugs and as a resident for over 25 years, for me that is new. I feel this area is of outstanding natural beauty and a conservation area ..and we need to work hard to keep it so.

**Resident
Parkside
Wimbledon
SW19**

Dear Trading Standards

I am writing to object to the proposed application for a street trading licence on the Causeway. I live on Westside Common and think that it is totally inappropriate to allow this kind of trading near the Common.

It is supposed to be an area of nature - why do we need a mobile catering unit in it ? It will cause even more traffic congestion, as well as rubbish, smell and noise.

Thank you
Resident

I wish to voice my strong objection to the above referenced application to instal a catering van between Camp Road and Cannizaro Road on Wimbledon Common, SW19.

I value the Common and the beauty, peace and serenity it provides . This is a precious commodity in London and I feel that by allowing a catering van here will disrupt this and cause more congestion of traffic already stretched to its limit.

We already have a plethora of cafes, food shops and restaurants in the Village amply providing food and drink.

**Yours
Resident**

An application has been made for a Street Trading Licence on the Causeway between Camp Road and Cannizaro Road to allow a Catering Van to trade there from 7am-7pm Monday-Sunday.

I would like to register my objection to the application:

- It is entirely unsuitable. The Common is an unspoilt. Catering on the Common is unlawful and the application is a transparent attempt to circumvent this by parking a van and cooking on a public road.
- I understand that the legal representatives charged with safeguarding the Common have said no. I would urge you to take notice of their objection

- In recent years the number of mobile homes and other large vehicles permanently parked on the Causeway has increased. People are living in many of them illegally. Residents and Ward Councillors have lobbied the Council to take action. It is likely that the catering van will only make the problem worse.

Regards
Resident

As a Wimbledon village resident who lives near the Common and pays Commons rates I am writing to tell you how disturbed I am to learn about the application to allow a catering van to trade on the Causeway. I hope this will be refused. If permitted, it would destroy the quiet nature of this part of the Common and would encourage even more camper vans to park there illegally.

It's not as though there is any shortage of places to eat near the Causeway. There are several restaurants, cafes, and pubs quite near and I understand permission has recently been granted for a very large restaurant to be opened in the High Street premises formerly occupied by Barclays Bank.

**Yours,
Resident**

Dear Trading Standards

We understand that an application has been made for a mobile catering facility of Canizaro road.

We wish to express our opposition to this application. We have lived in the area for over 20 years so know the look and feel of the area well. There are plenty of cafes and restaurants in the Wimbledon Village. A mobile facility is an unnecessary additional commercialisation of the Common, likely to result in increased litter on the common and likely to encourage more owners of mobile homes to illegally live on the Causeway.

Resident
Margin Drive
Wimbledon

Dear Sirs

I understand that an application has been made a Street Trading Licence on the Causeway, in a pitch midway between Camp Rd and Cannizaro Rd, which if permitted would allow a Catering Van to trade there from 7 am-7 pm Monday-Sunday. I walk on Wimbledon Common daily often along the Causeway. I wish to lodge a strong objection to this application:

- This is a most unsuitable location for such a facility. The adjoining footpath on the Common is narrow and uneven and customers would have to congregate in the road at busy times. The Common is an important and much valued open space and its "natural aspect", flora and fauna would be threatened by a commercial operation such as this.

The Commons' CEO Simon Lee has made it clear that the Conservators also strongly oppose the application.

- In recent months the number of camper vans, mobile homes and other large vehicles permanently parked on the Causeway has increased. People are living in many of them, illegally. This is unacceptable. Residents and Ward Councillors have lobbied the Council to take action to move them on but we are told that the legal process is cumbersome and time consuming; meanwhile the lack of any ongoing enforcement action only serves to encourage others to park there. In our view, if this application is permitted, the availability of "on site catering" every day will exacerbate the problem. It will also send the clearest possible signal to the camper van occupants that the Council has little interest in taking any action against them.
- If granted it will set an undesirable precedent for further applications of the same type

Yours faithfully

Resident
Peek Crescent
Wimbledon
London SW19

Dear Sirs

I live on Parkside and I am writing to register my objection to a Street Trading Licence on the Causeway, in a pitch midway between Camp Rd and Cannizaro Rd.

This is a most unsuitable location for such a facility. The adjoining footpath on the Common is narrow and uneven and customers would have to congregate in the road at busy times. The Common is an important and much valued open space and its "natural aspect", flora and fauna would be threatened by a commercial operation such as this.

In addition in recent months the number of camper vans, mobile homes and other large vehicles permanently parked on the Causeway has increased. People are living in many of them, illegally. This is unacceptable and I would be grateful if the Council would take measures to move these vehicles on.

Kind regards

Resident

I write in reference to the above application for a burger van on the Causeway. I wish to register my strong opposition to this application.

We have eating places available in the Village - to encourage outdoor eating is not appropriate and will lead to increased litter which will no doubt blow around in the wind and pollute surrounding amenities of natural beauty. It will also encourage itinerant travellers to illegally park their mobile homes on the roads surrounding the van and we already have enough problems with those.

I oppose this application.

**Your sincerely,
Resident**

I wish to record my strong objection to the application for a Street Trading Licence. The Causeway is totally unsuited for such an activity. Part of the joy of Wimbledon Common is that it is not commercialised; it must be retained as nature intended. Furthermore, a catering van will encourage camper vans and the like to regard the Causeway as residential space, which of course it shouldn't be.

Kind regards

Resident
Calonne Road
SW19

Dear Sir,

As a local resident and regular user of Wimbledon Common, I am writing to confirm my opposition to any suggestion that permission be granted to set up a catering facility from a van parked on the Causeway. This would change the nature of the area for the worse, and would further encourage the increasingly permanent parking of caravans and mobile homes on this road. The road is becoming increasingly like a travellers site, and unless it is felt to be feasible to enforce say, a two night maximum stay (to avoid being unreasonable to people genuinely passing through), we should ban its use in this way.

**Yours faithfully,
Resident
Marryat Rd Wimbledon.**

Dear sirs,

I am writing to strongly object to the application for a catering van on the Causeway. This would be the thin end of the wedge and would vastly deteriorate the quality of the area.

Your sincerely,
Resident
Parkside Ave, Wimbledon, LONDON, SW19

**ref WK/201506582
Dear Sir/Madam**

I am writing to object strongly to the application for a street trading licence on the Causeway Sw19 for a catering van. As a local resident I think this application has no merit and is a wholly inappropriate location for a catering van. It is a narrow road that adjoins the common and would have a negative effect on the local environment and road safety.

For the last 2 years there has been an increasing problem with illegal camper vans and caravans on the Causeway. This is spoiling this part of the common, reducing car parking space for legitimate visitors to the village, adding noise of generators and litter. A catering van would cause a further deterioration in this situation and damage the businesses in the village.

Yours faithfully

**Resident
Parkside
Wimbledon
SW19**

Sir , Madam,

We already seem to have so many places where to eat in the Village I cannot believe we need another one .This part of the common can be very busy at times with the school entrance nearby and therefor dangerous for young children if there is another obstruction there.

Safety and vigilance are very much in people's mind at the moment. Do we really know who lives in the camper-vans that are already parked there ?

It will be difficult to keep the area CLEAN.

With best Regards

Resident
Marryat Road
SW19

Dear Trading Standards,

We understand an application has been made for a Catering Van to be allowed to function during the day on the Causeway.

We wish to register our objection to the application for several reasons among them:

- a) There are a number of camper vans that appear to be installed 'permanently' on the Causeway providing catering For them increases the likelihood of them taking root.**
- b) Catering Vans inevitably create an environment of increased litter and debris which will further degrade the immediate vicinity on the common.**
- c) The causeway is already narrow for cars to pass the parked cars there, a catering van may increase the likelihood of injury or obstruction should customers gather on the road.**

**Kind regards
Resident
Burghley Road
Wimbledon SW19**

Dear Sir/Madam

I would like to object strongly to the application to have a trading van on the Common. It is certainly not appropriate, and would create a lot of mess in the area, changing it dramatically. It could also affect trade of the coffee shops etc nearby, and in the absence of toilet facilities, could cause other problems too. Please refuse this application.

Yours faithfully,
Resident

Dear Sir,

I am a resident on Camp Road SW19 and I strongly object to the idea that a licence should be granted for a catering vehicle to operate on the causeway.

This is a quiet residential area and is a haven for dog walkers, nature lovers and golfers. Us residents are already plagued by the excess traffic caused by the parents dropping off and collecting children from the study school which makes our lives a misery twice a day. The area already cannot cope with the amount of traffic.

If a catering van trades on the Causeway this will increase traffic. The path is very narrow and there would be nowhere for customers to stand safely. Cars are always driving up that road and parking and I think it would be dangerous for pedestrians.

In addition, us residents who pay our council tax are already disturbed by the very large number of mobile homes and vans that already park illegally on the Causeway. This is just a convenient way for people to avoid council tax etc. Granting a catering licence will only encourage more people to park there.

Finally, I'd like to point out that walkers and other users of the common are already perfectly adequately provided for with refreshments by the various pubs, cafés and coffee shops on the village high street which all pay very high tax to trade there legally, in addition, there is also the Fox and Grapes pub and Cannizzaro House Hotel which provide more than enough refreshments facilities for all-comers.

I do hope that you will bear in mind my very serious concerns and not allow this application which I think will help to ruin the beautiful pastoral atmosphere of our beloved local open space.

**Regards
Resident**

Dear Merton Council,

I understand that an application has been filed with you for a catering van to trade on The Causeway on Wimbledon Common.

As a local resident I wish to object very strongly indeed. I cannot think of a single benefit to be gained for the local community, and there are many reasons which spring to mind which would speak against granting such a licence, the more important of which I list below:

1. The Common is a beautiful green space which is enjoyed all year round both by locals and by visitors, particularly families, from out of the area to walk, exercise, play, ride etc. These visitors are attracted to Wimbledon Common by its beauty and charm and bring with them much needed expenditure for local shops and restaurants. The van and the inevitable litter would be a nasty eyesore and completely out of keeping with the nature and feeling of the Common, and discourage a lot of visitors. It is a green space, not a public snacking space.
2. There are plenty of bars, restaurants, cafés, coffee shops etc a few minutes walk away in the village, so an additional catering outlet is completely unnecessary, and indeed would take away business from the High Street, which is a key part of the infrastructure of a thriving Village.
3. The Causeway already has a major problem with vans, mobile homes, even a static caravan, which are parked permanently on the road illegally. The Catering Van would attract even more such vehicles. This a major headache for locals and visitors to the area.
4. Parking spaces are very limited in the area, this van alone would make it worse, not even thinking of all the visitors to the van who would park up near it.
5. The Causeway is a narrow road, owing to all the parked cars, and attracts a lot of traffic owing to the many houses down Camp Road (including Eversley Park, Kinsella Gardens and Cedar Park Gardens), two popular golf clubs, a girls' junior school (The Study), patrons of the Fox & Grapes pub, and the many dog walkers who drive from out of the area and park on the Common. Driving down The Causeway is already quite dangerous as the many pedestrians, cyclists and horse riders on the Common often walk or ride on The Causeway road itself. Having plenty of people hanging around the van would massively exacerbate this risk.
6. The traffic situation around Camp Road, West Side Common, West Place and The Causeway is a daily disaster and has been the subject of many complaints to the council and the police. The Catering Van would only intensify matters owing to increased human and vehicular traffic from the van's customers. I understand that a review by The Council is to take place in the New Year to look at a CPZ for the area and at ways to improve the traffic flow, so it would hardly be appropriate to grant such a licence in the circumstances.

The granting of such a licence would, in light of the above, be completely irresponsible and bring zero benefit to the area.

I would be happy to be contacted to discuss further. Thank you for your attention.

Kind regards,

Resident, Camp Road, SW19

Reference WK/201506582

Thank you very much for sending me this information.

I would certainly like to receive information like this in future.

I object most strongly to the application above.

The Causeway runs across the common, an area of natural beauty. There are plenty of catering establishments in the area and we certainly do not need or want another one.

The Causeway should be available for people who want to park to enjoy the common, the village or any of the restaurants, bars and pubs in the area.

There is a concerted effort by the council, our MP and the residents' associations to clear The Causeway of the residential and commercial vehicles which park there for months on end. To approve the application by a catering van would be insulting and hugely detrimental to the efforts of these people.

The residents belonging to my residents' association overlook and use the Causeway. Please reject this application for the peace of mind of the whole community.

Kind regards

Clive Hilton

Chairman

Wimbledon Common West Residents' Association

I am writing to object to a Street Trading Licence being approved for a site on the Causeway between Camp Road and Cannizzaro Road.

These are narrow roads that are often congested. It is not possible for two vehicles to easily pass where a vehicle is parked. This was proved to me yesterday when the left hand side of the Causeway (going towards Cannizzaro House) had a large number of cars parked on it and major congestion resulted.

With two schools in the immediate vicinity there are children walking to school and their need to be able to cross the road safely is paramount. Safety would be jeopardised.

What possible demand can there be for catering facilities at this point?

Resident

Dear Sir,

As a resident close to Wimbledon Common, and a rate payer to both Wimbledon and Putney commons I should like to make clear my deep opposition to the application for a trading licence on Wimbledon Common. Any such licence apart from the most temporary type would undermine the whole point of retaining this area as one of such great natural beauty-exceptional in Europe!

Customers with needs for whatever this licence would allow could surely walk into the village ?

Yours sincerely, Resident. Burghley. Road. SW19

Re: Application for a Street Trading Licence on the Causeway SW19 ref

WK/201506582

Dear Sir/Madam,

I am emailing to object to this application in the strongest possible terms.

A street vending licence granted at this location would encourage more people to live in caravans, Transit vans and other conveyances on the Causeway without even having to walk across the Green to get food.

Previously I have emailed councillor Bowcott to raise my concerns about this unlawful habitation on the streets of SW19 and hope the council will have the good sense to refuse this application.

Perhaps provision of some Portaloos would be a better investment to reduce the amount of human excrement that must be deposited in the bushes near the caravans and vans. At least this would reduce the risk to human health rather than increasing it.

Yours faithfully,

Resident
Lancaster Road,
SW19

cc Cllr J Bowcott,

Dear Trading Standards,

I would like to receive more information on this application in the future. I strongly object to the application for a street trading licence on The Causeway (Reference WK/201506582) by Mr John Peters.

The Causeway runs across the common, an area of natural beauty. There are plenty of catering establishments in the area and we certainly do not need or want another one. The Causeway should be available for people who want to park to enjoy the common, the village or any of the restaurants, bars and pubs in the area.

As you know, there is an ongoing effort by the council, our MP and the residents' associations to clear The Causeway of the residential and commercial vehicles and now a caravan which park there for months on end.

Adding a bay for a food van would be a huge detriment to the area and I strongly disagree with this application.

Regards
Resident
Kinsella Gardens
London SW19

I object to the above Proposal as a Resident of the area in Lingfield Road for the following reasons.

The common is an open natural space for the residents and visitors to enjoy its space. This is very necessary, as the rest of the Village and Town have many people in them. A licensed van would cause people to stand around, ? Where. On the road and the grass of common, that will be worn away. What about the litter this will cause? People are not good at taking their mess away. Once there is a van, will this inevitably turn into tables and chairs? This commercialises the Common which is not the point of it being a Common.

This area is so near the Village with many restaurants and coffee places including pubs. There is not sound reason to have this. People only have a few hundred yards to walk to all these facilities. Some of the restaurants in the Village are under utilised, and keep changing hands.

There is no reason to have a New Venue.

Also the causeway is already full of cars, vans that never move. This is another issue to be looked into.

Yours sincerely **Resident**, Lingfield Road.

The Causeway – Application for a Street Trading Licence

I strongly object to this application.

It is a FACT that the Causeway is used mostly by:

- **Commuters who leave their cars there for days/weeks.**
- **People living in camper vans and even now caravans.**

I know the Council is aware of this. The Causeway is neither a CAMP SITE nor a CAR PARK. (Well it is now – but it shouldn't be).

I like a food van as much as the next man, and have used them over the years – but the place for them is rural car parks and lay-bys, and main roads – for use by passing motorists, NOT a few yards from one of Britain's largest selections of coffee shops ... where I believe you ARE trying to promote footfall (great news).

Everybody – and I mean every Merton ratepayer – enjoys the benefit of the Common as an area of outstanding natural beauty, for use by families and people of all ages. You should be doing everything to preserve this.

The council should also be doing everything in its power to keep it that way, and keep away those who think it's somewhere to live (in a van) or park.

And please answer this – it will have to live there 24 hours a day because I can assure you that by 7am there are NO parking spaces left. So this would be a 24 hour eyesore – like all those other commercial vehicles.

And don't start me on the fair.....!

**Regards Resident
North View, London SW19
Dear Madam/Sir**

I write to express my strong opposition to the proposal to install a catering van on The Causeway.

Wimbledon Common is a unique area of natural beauty which we are very fortunate to have in our Borough. The Causeway is one of the main access points to the Common and, visually, it is now spoilt by the many vehicles which are parked there, some of them permanently. I feel the Council should be acting to prevent parking in this area and definitely not granting a licence for another permanently installed van.

People come to the Common to walk and enjoy nature. They should not be encouraged to eat and drink whilst so doing. If visitors do feel they need sustenance they can use the café at the Windmill Car Park. The sale of take-away food and drink on The Causeway would be bound to increase litter on the Common which is already a problem of concern to the Rangers and users.

I urge you to please refuse permission.

Yours faithfully

Resident

Dora Road
London SW19

Dear Madam or Sir,

We are writing to object to the application No: WK/201506582.

A semi permanent catering establishment on The Causeway is wholly inappropriate for the following reasons:-

- 1. Already the road is becoming a permanent campsite for Caravans and Motor homes in an area of outstanding beauty. An adjacent catering establishment would only encourage more Council Tax avoiders.**
- 2. The road is already congested with traffic for the day school in North View. This will lead to an additional potential hazard for pedestrians, children, and dog walkers to circumvent.**
- 3. There are sufficient catering establishments in the vicinity and there is no requirement for a 'Burger Van'.**
- 4. A gas fuelled kitchen would have the obvious fire hazard to the common.**
- 5. There is already a significant litter problem in the area. The granting of this license would only compound the situation.**

If this correspondence needs to be sent by post please let us know?

Yours Faithfully,

**Resident
Southside Common
Wimbledon
London
SW19**

PARKSIDE RESIDENTS' ASSOCIATION

Burghley Road

Wimbledon

London SW19 5BH

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

25 November 2015

Dear Sirs

Street Trading Licence application WK/201506582

The Causeway, Wimbledon Common SW19

This Association strongly objects to the above application.

If permitted, the application would allow a catering van to trade on a pitch on the Causeway mid-way between Camp Road and Cannizaro Road from 7am – 7pm Monday-Sunday. This location is wholly unsuitable for such a commercial operation and accordingly the proposal is unacceptable for the following reasons:

- The Causeway crosses part of Wimbledon Common, an important open space, designated as a Site of Special Scientific Interest and a much valued amenity for local people. Trading on Commons land is prohibited. Customers cannot safely stand in the road and those congregating on the narrow footpath threaten the natural aspect, flora and fauna of the Common; the adjoining ditches and uneven ground are hazards. The Chief Executive of the Commons has already drawn your attention to these matters and has objected strongly to the application.
- The risk of litter is unavoidable and in practice it would be very difficult for the operator to prevent litter spreading across such a large open area. It is unreasonable to expose the Common to this risk and to burden the Commons staff with responsibility for its collection.
- For many months local residents, supported by their Ward Councillors, have been lobbying the Council to take action to remove vehicles parked on the Causeway which are being used illegally as living accommodation. The Council appears to be making little real effort to tackle what is widely regarded as an unpleasant and antisocial problem. We are told that the legislation to secure evictions is cumbersome, expensive and is a piecemeal response against individual campers. The imposition of parking controls is a long term solution but will take time to formulate and we understand this is dependent in any event upon related controls being introduced elsewhere in the vicinity. Meanwhile, encouraged no doubt by the lack of any enforcement action, the numbers of these vehicles and occupants are steadily increasing. A Licence for an on-site catering facility 7 days per week will undoubtedly support the campers and will be seen as an invitation for even more of them to move onto the Causeway, exacerbating the existing problem and making eviction, when it eventually takes place, an even more time consuming and expensive exercise.

In the circumstances we can see no good reason to justify the grant of this application and very strong arguments to reject it. We trust therefore that the application will be refused.

Yours faithfully

Mrs S Cooke
Chairman
CC Village Ward Councillors

Dear Merton Council,

I am writing to object to the application for a street trading licence on The Causeway (Reference WK/201506582) by Mr John Peters, Broomloan, Sutton on several grounds;

- 1. This site is effectively in the middle of the common and near no other shops or services; there is no way an establishment like this would be allowed on the common itself, so why would a van like this be considered?**
- 2. The parking in that stretch of road is always full; should others drive there to pick up food (as they do to the van at Tibbets Corner) there will be chaotic traffic consequences.**
- 3. The village is a natural focus for eating establishments; whilst I regret the loss of "normal" shops to higher end shops and restaurants, this location is not a solution to that problem.**

Yours

**Resident
Chester Road
Wimbledon**

PS I was given the licensing email to write to – having looked at your web site, it seems there is a trading standards email to send this to – I am sending this to both.

PPS As an aside, I was informed of this by my neighbour – the application is not on your web site which looks like it has not been updated in a while.

Dear Sir / Madam,

I would like to receive more information on this application in the future.

I strongly object to the application for a street trading licence on The Causeway (Reference WK/201506582) by Mr John Peters, Broomloan, Sutton.

There is no reason to have a van selling food on the Causeway and it would set a terrible precedent to all open areas of commons.

There is already too much litter on the Common and the staff of WPCO struggle to keep on top of it as it is, adding a food van would only create more of a problem for them.

The van would be out of keeping with the area and create noise, smells to the surrounding residents and attract more in the way of Foxes and other vermin.

The residents of the surrounding area already have their fair share of vans and other commercial vehicles parked up on The Causeway as a permanent car park, there is currently an huge effort to remove them altogether by local residents, Resident Associations, Councillors and our MP (all cc'ed).

Adding a bay for a food van would be a huge detriment to the area and I strongly disagree with this application.

Regards,

Resident
Chester Road
SW19

Dear Sir:

I write on behalf of Wimbledon E Hillside Residents' Association to express our concerns about the above street trading licence application. The notice reads:

"TAKE NOTICE THATThe Council is seeking to designate 3 areas ... as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence and 2 licenses."

It is one thing for an Annual Wimbledon Village Fair to have an event on the Common one summer day each year. The Village Fair is a community event, and all proceeds benefit the Wimbledon Guild – a charity that ploughs all profit back into care for the elderly in Merton. It is quite another, to have a 4.2metre x 2.5 metre caravan on the Causeway in Wimbledon Common, seven days a week, 365 days a year, from 7 am 8 pm.

- The vendor would take up two full parking spaces, reducing the opportunity to use the Common by two cars, or two families who live beyond walking distance, and who simply wish to enjoy the Common. They would be denied that opportunity.
- The vendor, from Sutton, has commercial interests at heart. I doubt Sutton Common would allow such a van. Wimbledon Common is our precious local link with nature, wildlife, conservation, education. A catering van is inappropriate, in this sacred setting.
- Any and all food/drink sales within the Common area are provided for in the Windmill café (operated by the Common Conservators) or by a short walk to Wimbledon Village. The Common is an area of natural beauty; street food does not belong here – it belongs in the designated commercial area.
- The vendor cannot control litter. We have sad experience in the Town Centre, where litter, coffee spills, serviettes, chips are strewn in the gutter and on the footpaths. Merton Council cannot keep our footpaths clean at present; it would be irresponsible of the Council, to invite litter on to Wimbledon Common.
- Any virtually permanent commercial vehicle alongside the Common is an eyesore. Commercial advertising is not permitted anywhere on the

Common, and detracts from the beautiful setting. It is equally inappropriate that a large, bulky vehicle covered in advertising be situated on the Causeway, set within the Common.

- **Finally, if we understand this application correctly, it is entirely unacceptable that the Causeway may be designated a “LICENCE STREET” where a total of three licences would be permitted, off the back of this one licence.**

We urge Merton Council Trading Standards to REFUSE PERMISSION, thereby preserving and protecting for future generations the community serving, health-giving, environmentally-enriching nature of Wimbledon Common. By copy of this email I urge others in the community to take a stand against this application.

Kind regards,

Leigh Terrafranca, for WEHRA

Dear Sir:

I write to express my concerns about the above street trading licence application. The notice reads:

"TAKE NOTICE THATThe Council is seeking to designate 3 areas ... as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence and 2 licenses."

It is one thing for an **Annual Wimbledon Village Fair** to have an event on the Common one summer day each year. The Village Fair is a community event, and all proceeds benefit the Wimbledon Guild – a charity that ploughs all profit back into care for the elderly in Merton. It is quite another, to have a 4.2 metre x 2.5 metre caravan on the Causeway in Wimbledon Common, seven days a week, 365 days a year, from 7 am 8 pm.

- The vendor would take up two full parking spaces, reducing the opportunity to use the Common by two cars, or two families who live beyond walking distance, and who simply wish to enjoy the Common. They would be denied that opportunity.
- The vendor, from Sutton, has commercial interests at heart. I doubt Sutton Common would allow such a van. Wimbledon Common is our precious local link with nature, wildlife, conservation, education. A catering van is inappropriate, in this green setting.
- Any and all food/drink sales within the Common area are provided for in the Windmill café (operated by the Common Conservators) or by a short walk to Wimbledon Village. The Common is an area of natural beauty; street food does not belong here – it belongs in the designated commercial area.
- The vendor cannot control litter. In the Town Centre litter, coffee spills, serviettes, chips are strewn in the gutter and on the footpaths. Merton Council cannot keep our footpaths clean at present; it would be irresponsible of the Council, to invite litter on to Wimbledon Common.
- Any virtually permanent commercial vehicle alongside the Common is an eyesore. Commercial advertising is not permitted anywhere on the Common, and detracts from the beautiful setting. It is equally inappropriate that a large,

bulky vehicle covered in advertising be situated on the Causeway, set within the Common.

- Finally, if I understand this application correctly, it is entirely unacceptable that the Causeway may be designated a “**LICENCE STREET**” where a total of three licences would be permitted, off the back of this one licence.

I urge Merton Council Trading Standards to **REFUSE PERMISSION**, thereby preserving and protecting for future generations the community serving, health-giving, environmentally-enriching nature of Wimbledon Common.

Yours sincerely

Resident
Alwyne Road
London
Sw19

Dear Sir/Madam,

WK/201506582

I wish to object to the above application. The area is wholly unsuitable for street trading and it will encourage more occupants to live in vehicles parked in the adjoining area.

Please consider my comments.

Kind regards

Resident
SW19

"Dear Sirs,

Re: Street Trading Licence Application WK/201506582, The Causeway Wimbledon Common

The Wimbledon Union of Residents' Associations objects to the above application. The application site is a sensitive location on the Causeway which crosses part of Wimbledon Common, itself an important and much valued local amenity. It is therefore a most unsuitable location for a catering van which would trade from 7am-7pm every day.

The Chief Executive of the Commons has already objected strongly to this application on behalf of the Conservators; we have seen his letter and fully support the views expressed.

A related issue is that there is already a problem in this area because of the growing numbers of camper vans, mobile homes and other vehicles parked on the Causeway where people are camping illegally. Residents have complained about this activity for many months and are looking to the Council to take appropriate action to bring it to an end. Common sense suggests that a catering van in the same road will encourage the existing campers to stay and others to move in as well and exacerbate the problem.

This is an opportunistic application which exploits an illegal activity and should therefore be refused.

Yours faithfully

Hamish Bryce
Chairman
WURA "

I have just read about this application and would like to object. This is an area of natural beauty, where many people (like myself) enjoy taking a walk and enjoying the scenery. If this licence were granted, it would be an eyesore, and would encourage people to drop litter. I am firmly against people eating in public anyway. There are any number of food outlets in Wimbledon Village, there is absolutely no requirement for this. It would totally spoil this area of the Common.

Please do not grant the licence.

Resident (resident of Wimbledon and user of the Common)

Dear Sir or Madam, regarding the above mentioned application for a catering van pitch, may I please register my strongest objection to this licence being granted.

The grounds for my objection are - The beauty of the surrounding common area would be adversely affected, to no benefit of residents or users of the Common.

This narrow roadway would appear to be completely unsuitable for this type of use, with the attendant dangers to pedestrians, cyclists and motorists using this area. There is already ample provision for obtaining food in the area of Wimbledon Village.

Regards,
Resident.

Sirs,

Re Causeway Catering Van

I would like to object to the granting of a licence to trade from a catering van on The Causeway SW19.

As the council is well aware, there is already a problem with people permanently living on the causeway in both motorised and non motorised vehicles.

The council has found that it is not possible to remove these "illegal residents" or enforce any form of parking restrictions.

The granting of a catering licence can only attract more people with caravans/vans who decide to take up permanent residence on The Causeway.

There is also nothing the council can do to stop this particular individual from taking up permanent residence and living The Causeway.

I am sure the council as well as the people of Wimbledon who use the common do not wish the Causeway turned into more of a caravan park than it already is.

Yours faithfully
Resident
Cedar Park Gardens
Wimbledon
London
SW19

Please accept this objection to any such license in an area of outstanding natural beauty for the sake of all visitors , residents , save the view keep the elegance , avoid the smell & visual importance of open land we are proud of 40 YEARS residency & payments .

Resident Belvedere Grove SW19

Re. Application WK/201506582

This proposed van would spoil this scene of natural beauty. There are plenty of sources of refreshment in the area e.g. in the Village. Inexperienced walkers and others who need a constant source of food immediately at hand learn to carry their food and drink.

Please do not allow this desecration of a long-standing unspoilt facility.
Sincerely,

Resident, Courthope Villas, SW19

Dear Sir/Madam

I am a resident of Cedar Park Gardens, which is a development of houses at the end of Camp Road.

As a local resident I am writing to strongly object to the application for a Catering Van to obtain a licence to trade in a pitch between Camp Road and Cannizaro Road

My first objection is that this area is already very busy at all times of the day with traffic and at the weekends is almost overrun with visitors enjoying the common and parking in the surrounding roads. A catering van would just attract more people to drive into the area, causing even more traffic problems.

My second objection is that a permanent catering van is in conflict with everything that the common offers, it should be a peaceful, rural haven in a busy city, for people to enjoy peace and space. There are plenty of cafes nearby in the village to provide for any catering needs. We do not need this facility on the common.

I hope this application is rejected.

Yours faithfully
Resident
Cedar Park Gardens
Camp Road
SW19

Dear Trading Standards Merton

I would like to register my objection to the above application for a catering van on Wimbledon Common/Causeway/Cannizaro Rd/Camp Rd. This is a completely unnecessary facility as we not only have a Public House (The Fox and Grapes), Hotel, (Hotel du Vin-Cannizaro House) and two Golf Courses (Wimbledon Common and Royal Wimbledon) extremely nearby in which to enjoy beverages and food but also Wimbledon Village which has plenty of catering facilities of all kinds. In addition, the area in question is a common for visitors to park and enjoy walking on Wimbledon Common and not a retail area. For these reasons I strongly oppose this application.

Yours faithfully

**Resident
Cedar Park Gardens
Wimbledon
London
SW19**

I wish to object for a licence for the above as it would be very unsightly in a very pleasant area. **Resident**

To whom it may concern

We are writing to object to the application for a catering van on the Causeway on the grounds that there are a variety of catering facilities in the vicinity. The Causeway should be left free for residents and visitors to park so they can enjoy the natural beauty and we should not allow someone to have exclusive access to a part of common land simply for their own profit.

**Resident
Caxton Road
Wimbledon
London SW19**

-----Original Message-----

From:
Sent: 27 November 2015 12:25
To: Licensing
Subject: Ref WK/201506582

Dear Sir/Madam

I am writing to object most strongly to the application for a street trading license on The Causeway, reference no WK/201506582.

There are numerous places to purchase food and drinks in the Village, and the Windmill Cafe is also available for Common users. To have another outlet on the

Causeway appears completely unnecessary. Furthermore, it would give a terrible appearance to a place where the beauty of the natural space should be preserved. The vans which are currently allowed to park there are an eyesore, without adding to the problem. Rubbish and litter would inevitably arise and attract foxes and other vermin.

I urge you to reject this application.

Yours sincerely

Resident, Westside Common, Wimbledon, London, SW19

Dear Sirs

I am writing to object to the above application. This is a residential area as well as an area of natural beauty for all to enjoy (and be able to park). There are plenty of eating establishments in Wimbledon village.

Yours faithfully

Resident

For and on behalf of

Resident

Cedar Park Gardens, Camp Road

I am writing to object to the application for a catering licence for a vehicle parked on the Causeway.

This road is part of the Common, a valuable area of countryside. It absolutely does not need a catering facility parked there. There are numerous catering establishments in Wimbledon Village, many only a couple of minutes walk from the Causeway. Please do not allow this proposal to "pollute" the Common and what it stands for.

I should emphasise I live nearby, in Homefield Road, not far from the Causeway. If you have a query on this (strong) objection contact me by email or at 020 8

Resident

I find it completely unacceptable that a trading vehicle should be allowed alongside the common. The situation with numerous vans and a caravan on the roads around the common is also unacceptable and should be dealt with by the authorities. This situation has continued for 2 years and is completely out of control. This area is not for people to set up camp and there are no toilet facilities or waste water facilities so one wonder where this waste is going. Recently the caravan is using a generator that has a cable crossing the path and onto the common.

Best wishes

Resident - residents of Merton for over 50 years.

Dear Sir,

We are very dismayed to learn of the application for a Street Trading Licence on the Causeway permitting a Catering van to trade between 7.00 a.m. - 7.00 p.m. Monday to Sunday.

There is already an increasing problem with camper vans and mobile homes being parked permanently on the Causeway. People are living in these vehicles illegally which already raises other issues ie. sanitation etc. The introduction of a catering van is likely to encourage even more vehicles to park permanently and/or stop along this narrow road. To say nothing of the problem with litter, encouraging even more urban foxes and vermin etc. There are enough places for people to buy food/sandwiches and coffee in the Village.

If a trading licence is issued this will send out the wrong signal to the occupants of the mobile homes etc. They will assume the Council cannot be bothered to address the issue of their vehicles being parked permanently along the Causeway.

We are strongly against this application and hope it will be rejected.

Yours faithfully,

Resident
Marryat Road
Wimbledon SW19

-----Original Message-----

From

Sent: 30 November 2015 09:54

To: Licensing

Subject: Ref WK/201506582 Trading Licence The Causeway

Dear Sir / Madam,

I would like to receive more information on this application in the future.

I strongly object to the application for a street trading licence on The Causeway (Reference WK/201506582) by Mr John Peters, Broomloan, Sutton.

The prospect of a van selling food on the Causeway would set precedent for future commercial ventures using The Common. It is intended to be a rural area in a suburban part of London. Someone with a street selling licence would entirely contradict the atmosphere of the area.

The residents of the area are currently waiting to consult on how we ease the parking and traffic situation on The Causeway and the adjoining streets. Having a food retailer will only add to our growing list of problems which need to be solved.

The WPC are already struggling with the amount of rubbish generated on the Common and having a food retailer parked on The Causeway is only going to add to these problems.

I can't think of any positive reason to have a food retailer on the Common, the Village and the area is well served for these services.

Yours Sincerely

Resident

North View

London SW19

Dear Sirs

I am strongly opposed to permission being granted for the operation of a Catering Van on Wimbledon Common Causeway between Camp Road and Cannizaro Road.

That area is already plagued by the parking of a number of Camper Vans which are being used, illegally, as residential accommodation. The provision of catering facilities nearby would encourage further illegal temporary "residents" and is, in any case, wholly undesirable in itself.

There is a multiplicity of catering establishments nearby in Wimbledon Village. A mobile catering facility on the common is unnecessary, would generate additional litter and would be generally harmful to an area of natural beauty which is much valued as a peaceful recreational area.

Resident

Margin Drive
SW19

Dear Planning Committee

We object vehemently to the proposal to permit a catering van on the Causeway.

There are sufficient and varied catering facilities in the village and the Causeway is part of the scenic rural aspect of Wimbledon Common. There would be no particular benefit to the users of the Common and local residents and plenty of potential for increased litter and broken glass of which we see a great abundance in the summer months from people picnicking in the area and, of particular hazard to children and animals, drinking in evenings. Wimbledon Common's especial beauty is its countryside feel which would be tainted by the sight and smells of a catering facility. There are no public toilets in the area (those on Cannizaro Park have been closed because of Council budget constraints). Catering and its necessary toilet facilities would be highly detrimental to the ambience without bringing any compensatory aspects to the area or its regular users.

Yours sincerely

Resident

Dear Sirs

I am writing to object to the above application for a street trader's licence on The Causeway, London SW19 which has been applied for by Mr John Peters.

The grounds I have for objecting are as follows:

1. This catering is surely not necessary - there are at least 15 outlets in the Wimbledon Village where one can buy coffee & snacks. We are well supplied, and it is unfair to take business away from these outlets - who have to pay full rent and rates. In addition, we already have the Windmill cafe, a long established and much-loved cafe, with plenty of parking nearby.

2. There is great pressure on the Causeway and surrounding streets for parking and space taken by a catering van would add to the pressure. I presume the applicant is intending to leave the vehicle on The Causeway overnight, which means he will be driving an additional vehicle to and fro each day, and parking it nearby. If he does take his catering van away each night, there is no guarantee he will find a space the following day. Nor should he be allowed a designated space at the expense of Common users (most of whom probably pay the Commons levy). Nor should he be allowed to sleep on The Causeway - another subject, I know but surely not unrelated - this street is filling up with overnight campers in vans and caravans. We do not need any more people living on The Causeway, especially those which are semi-officially sanctioned by Merton Council, as such a licence holder would be.

I suspect Mr Peters is perhaps hoping to cater to these people living on The Causeway - I do not feel they should be encouraged to stay and I am afraid that the provision of all-day-every day catering will do just that.

3. The joy of Wimbledon common is that it is unspoilt, and I feel a catering van will be an unsightly addition to the area.

4. There will be an extra nuisance suffered by other road users and pedestrians - there is no pavement as such, so pedestrians will be hampered in getting past the vehicle on the verge or will have to walk on the road. The Causeway is a very narrow, straight road, some vehicles speed down it. Dogs are very liable to jump out into the road, and I believe there will be extra risk to pedestrians who are passing by, or using the catering van. This is a serious Health and Safety Issue.

5. No doubt there will be further nuisance from litter on The Causeway and on the Common, together with noise and cooking odours, plus oil and dirty washing-up water being poured down (rainwater) drains.

To my knowledge, there are no public conveniences in the immediate vicinity, so we are all concerned about the human waste factor on The Causeway and surrounding Common.

All in all, I feel this is not the right place for street trading to be taking place. I hope you will see fit to turn this application down.

Yours faithfully

Resident

Spencer Hill

London SW19

Dear Sirs

WE would like to lodge the strongest objection to the proposal of a catering van on the edge of Wimbledon Common

- 1. It is unnecessary, plenty of cafes within a 5 minute walk**
- 2. The Common is a precious piece of green space enjoyed by many from a wide community, such urbanisation is contrary to the ethos of Wimbledon Common**
- 3. There is a problem of people living on the roads leading to the Common. The Common Rangers and the local police are well aware of the problem. They are aware that the grassy area around where the vans and caravans are parked is being used as a lavatory. Plus there is rubbish around the caravans**

One particular van has a dog sitting in the window, rubbish on the ground underneath, a TV aerial and smoke coming out of the chimney. This caravan has no vehicle attached to it so is stationary.

Another van which is dark green has a couple living in it and I have seen them leaving for work in the mornings.

Last week I counted over 7 vans that seemed to be occupied

I will send photographic evidence for this.

**Yours
Resident
Marryat Road
London
SW19**

Dear Sirs,

I am writing in relation to the proposed street trading on the Causeway.

I can not understand how you can even consider such a thing on Wimbledon Common. We have the wonderful Windmill cafe, and a Village full of restaurants, bars, pubs and cafes that are all in need of clientele.

We are all trying to keep the common as natural as possible. It is such a unique green space in London. Having street trading on top of the caravans, that have decided to take up residence on the Causeway, is such a shame.

Then take the practicalities like the facilities for the trader and the customers, the rubbish that he will create! There is no pavement, so where will the customers stand? I can promise you that it will create chaos on the road. Which is already quiet dangerous as cars do tend to drive fast on that stretch. What about the dogs that are walking around there? They also could get into danger with the extra traffic. I realise they should be well trained to stay with the owner, but that does not happen all the time. And they do end up on the street in their enthusiasm.

The drains have been blocked already ones there before, and the chance that that happens again will be great with the cooking oil that he will need to get rid off. I can promise you that it will be much easier for him to dispose of it there and then if there is a drain then dragging it home, which he will promise. Have you considered the cooking smells? They will be offensive for the residents living in the area.

There is a very nice pub just 100 meters further on. Is that not enough?

I seriously hope this little plan of the street trader will have to be pursuit in an area more suited for him.

Kind regards,

Resident
camp view,
Wimbledon
SW19

Dear Sir/Madam

We write to oppose the application WK/201506582 that has been lodged for a Street Trading Licence on the Causeway on Wimbledon Common.

It is wholly inappropriate to grant such a licence on Wimbledon Common, an area of calm and tranquility in the midst of the urban sprawls of Wimbledon, Putney and Kingston upon Thames in South West London. As Walter Johnson says (Wimbledon Common; its Geology, Antiquities and Natural History, 1912) *"one prays earnestly that the Common be not vulgarised... by making this lovely spot ordinary - a kind of level, well-ordered suburban park, for this windswept Common is not ordinary; it stands alone, and is therefore priceless"*.

There is already a wonderful café at the windmill and the fox and grapes and Cannizaro House Hotel serve morning coffee, lunch, afternoon tea and dinner. The high street is 5 minutes from the proposed site where there is a myriad of eating and drinking establishments.

This proposal will encourage even more illegal camper van squatting on the adjacent roads. The roads round this area are already at capacity in terms of parking and traffic so this would only serve to disrupt the traffic and parking process further.

The Study school, also in the near vicinity has an informal one way system to ensure the traffic 'flows' and the proposal will impact this detrimentally.

Regards

Resident
Mansel Road
London SW19

We are writing to object to this application.

This particular location is most unsuitable for such a catering facility. The adjoining footpath on the Common is narrow and uneven and customers would have to congregate on or around the highway. The Common is an important and much valued open space and its "natural aspect", flora and fauna would be threatened by a commercial operation such as this. The Commons' CEO Simon Lee has made it clear that the Conservators also strongly oppose the application.

We have seen an increase in the number of camper vans, mobile homes and other large vehicles permanently parked on the Causeway. People are living in many of

them. This is unacceptable. Residents and Ward Councillors have lobbied Merton Council to take action to move them on but we are told that the legal process is cumbersome and time consuming; meanwhile the lack of any ongoing enforcement action only serves to encourage others to park there. In our view, if this application is permitted, the availability of "on site catering" every day will exacerbate the problem. It will also send the clearest possible signal to the camper van occupants that Merton Council has little interest in taking any action against them.

With kind regards,

Resident
Peek Crescent
London
SW19

Dear sir,

We would like to register our opposition to this application, access to the school site in Camp Road is extremely difficult and anything which adds to traffic in the vicinity of the Causeway can only exacerbate what is already a significant problem.

This is a most unsuitable location for such a facility. The adjoining footpath on the Common is narrow and uneven and customers would have to congregate in the road at busy times. The Common is an important and much valued open space and its "natural aspect", flora and fauna would be threatened by a commercial operation such as this. The Commons' CEO Simon Lee has made it clear that the Conservators also strongly oppose the application.

We are concerned at the number of camper vans, mobile homes and other large vehicles permanently parked on the Causeway. People are living in many of them, illegally. This is unacceptable. Residents and Ward Councillors have lobbied the Council to take action to move them on but we are told that the legal process is cumbersome and time consuming; meanwhile the lack of any ongoing enforcement action only serves to encourage others to park there. In our view, if this application is permitted, the availability of "on site catering" every day will exacerbate the problem. It will also send the clearest possible signal to the camper van occupants that the Council has little interest in taking any action against them.

Regards
Hilary Hunter
Bursar

The Study (Wimbledon) Ltd
Wilberforce House
Camp Road
Wimbledon Common
London SW19 4UN
United Kingdom

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

December 2nd 2015

Dear Sirs

Application for Street Trading Licence-Ref WK/201506582, The Causeway, Wimbledon Common

I wish to record my objection to the application to site a catering van on The Causeway, midway between Cannizaro Road and Camp Road. I live nearby on Westside Common

Wimbledon Common is an area of outstanding natural beauty and efforts have been made over many years to keep it that way and to protect it from commercial exploitation & development. There is limited street signage around the Common and it is a place where people come to relax and unwind.

The Causeway is a narrow one-way street which is primarily used for access for a few homes and to a local school. The Council and local residents are working to ensure that there is sufficient parking on this road so parents can drop off their children safely and people are able to park easily and enjoy a walk or ride on the Common. It seems wrong to use this space for a catering van & fill the few parking spaces with cars & vans belonging to the owner/operator and the customers in their cars/vans, when there are already so many restaurants in Wimbledon Village (more than 20), with the Fox & Grapes (less than 50 metres away), Hand in Hand, Crooked Billet & Cannizaro House even closer on the Common. There really is no need for yet another food outlet in the neighbourhood.

The Causeway is totally unsuitable for a catering van. There is already one catering van nearby at Tibbitts Corner, with adequate parking for those wanting to purchase street food and as such it does provide a service where there is none. There is also a restaurant at the Windmill again with more than adequate parking.

A food outlet which opens at 07:00 will aggravate the school run traffic & cause difficulties at the end of the day too. The additional cars/vans which can be expected to turn up from 07:00 will aggravate the school traffic in these narrow roads & make parking more difficult for everyone.

The Causeway is close to residential housing and it is likely that there will be problems of litter and noise associated with delivery of supplies/removal of waste and noisy patrons, oblivious to the fact that others may want to sleep in after 07:00 especially on Sunday mornings

Please do not grant this application

Yours sincerely **Resident**

Dear Sirs,

I strongly object to the possible siting of a catering van on the Causeway – ref WK/201506582

There are already camper vans using the place inappropriately which the council should be trying to deal with. The road is already too busy at peak times and used by children. It could cause an accident. The natural flora and fauna of the common should be preserved as much as possible.

Regards

Resident

Merton and Wimbledon resident

Dear Sir

As a resident of North View I wish to strongly object to the application for a street trading licence on the Causeway, Ref WK/201506582.

This is a narrow road and is already frequently congested, a vehicle selling food would seriously worsen the situation. Parking spaces along the Causeway should be available for walkers on the common and people using the facilities of Wimbledon Village which already contains a very large number of catering establishments, cafes, pubs, bars, and restaurant, there is really no need for a further catering facility. The Common is an outstanding area of natural beauty and should not be spoiled by the further encroachment of unnecessary commercial enterprises.

I do hope you will seriously consider these points.

Yours sincerely

Resident

Dear Sirs

I have been informed of the application WK/201506582 for a street trader's licence on The Causeway, London SW19 which has been applied for by Mr John Peters, but cannot find trace of this application on your website. I have checked the website for a record of this and the nearest I got was (<http://www.merton.gov.uk/business/licences/street-trading/street-trading-consultations.htm>) but this seems not to have been updated since May. Perhaps you could direct me to the correct page or update the page.

In the meantime I would like to draw your attention and that of the Chief Executive to the very unsatisfactory position developing on the Causeway, Wimbledon Common, which was the subject of considerable debate and public disquiet at a very well-attended Open Public Meeting of the Wimbledon Common Conservators Board this evening at the London Scottish Club on the Common.

Firstly, for some time now there have been about six to eight camper vans and a static caravan, complete with diesel generator, water barrel and smoking chimney, permanently parked on the Causeway.

Secondly, it appears one Mr Peters wants to set up a permanent establishment selling food in this location too, further blighting the nature of our precious Common.

The ground for objecting to both of these developments are manifold, and have been outlined to you by others no doubt. As there is little time left until the deadline for comments, which I am led to believe is 3rd December, and it is late I would like to simply object both to the street trading application and to the continuing eyesore and abuse of the Common represented by clapped out Ford Transits and caravans being permanently parked on the Causeway.

**Kind regards,
Resident
Spencer Hill
London SW19**

Objection to Application for catering ban on Wimbledon Common approach roads
Photographic evidence in support of email sent by **Resident** Marryat Road London
SW19





Objection on grounds of nuisance caused by people already living on the road for proposed catering van with associated rubbish on the road and the surrounding grass being used as a lavatory as cited by the Head Ranger and CEO of Wimbledon Common

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

Reference: WK/201506582: The Causeway, Wimbledon Common

Dear Sir

I write on behalf of Lauriston Road & Wilberforce Way Residents' Association to express our concern about part of The Causeway being designated a licence street where street trading will be permitted and to the issue of a street trading licence.

We have only recently been made aware of this street trading licence application and request that we be included on such mailing list in future.

Our main concerns are that:

- **The Causeway runs through Wimbledon Common, an area of natural beauty, where there is a conscious effort to conserve wildlife and provide a setting for people to relax or exercise away from the built up areas.**

- The views across the Common are already blighted by the sight of camper vans which appear to be parked there on more than a temporary basis and the sight of a catering van in The Causeway seven days a week would be even more of an eyesore.
- The Causeway is used for parking by residents from miles around who come to the Common for recreational pursuits and the limited parking spaces available should not be occupied by commercial street traders.
- The Causeway is a narrow road and any street trading on it would distract customers and passers by resulting in the possibility of increased accidents on the road.
- catering van situated on The Causeway would inevitably create additional litter which would be blown around the Common.
- There are already a number of trading outlets in the area and it would be totally inappropriate to designate part of the Causeway as another licence street.

We hope that you accept our concerns made above and do not issue these licences.

Kind regards

Michael Ingham

Chairman

Lauriston Road & Wilberforce Way Residents' Association

Lauriston Road

Wimbledon

SW19

Please note we strongly object to this application. It is wholly inappropriate to the Causeway which is already blocked by camper vans & abandoned cars when designed to facilitate access to the West side of the Commons. Emergency vehicles [fire /police/ambulance] could be obstructed & the route is regularly used for young [5-8] schoolchildren accessing the Study Prep School.

Resident

Parkside Gardens, SW19



27th November 2015

protecting our amenities ... enhancing our quality of life

David Ryan
Technical Officer, Street Trading
Trading Standards
London Borough of Merton
Civic Centre, London Road
Morden SM4 5DX
By email

Dear Mr Ryan

Re: WK 201506582, placing of a van on The Causeway.

Wimbledon Common is deemed by the Council's Core Planning Strategy to be a Site of Metropolitan Nature Conservation Importance and your planning policies acknowledge the need to protect the site. The Causeway cuts through the Common and is one of the routes by which people access the interior of the Common. It is unnecessary and inappropriate to permit the siting of a van selling food and drink here as there are plenty of places in the Village where such things can be purchased. The Common should remain a place where people can escape from materialism and enjoy nature, unspoilt.

There are moreover substantial legal objections as illustrated by the letter from Simon Lee on behalf of the WPC.

The Society therefore urges you to reject this application.

Yours sincerely

John Mays
Chairman
Wimbledon Society Planning Committee

Lingfield Road
Wimbledon Village
London SW19



24th November 2015

London Borough of Merton

Trading Standards

Dear Sirs

Street Trading Licence Application WK/201506582: The Causeway

I wish to object to this application, for the following reasons:

The proposal is unnecessary

1. There are already more than enough cafes and other food and drink outlets within a quarter of a mile of the proposed site in the village, Crooked Billet, Cannizaro Park and Camp Road and also not far away, on the Common itself, at the Windmill.

The location is wholly inappropriate

2. The area adjacent The Causeway is part of Wimbledon's precious open space, so far free from commercial activity.

3. The Causeway is a narrow, one-way road which already is clogged with permanently parked vehicles. This application, if granted, would further reduce parking available for families and dog walkers who wish to enjoy the Common.

Detriment to the Common

4. The application, if granted, would necessitate hard standing for customers and other paraphernalia which would intrude into Common land and ruin the relatively peaceful character of the road, which is as close as this part of Wimbledon gets to a country lane.

5. It would lead inevitably to the spread of litter, including plastic and bottles and food waste, where there is hardly any at present. Equally inevitably, it would fall on the Commons Conservators to clear that litter, so increasing unacceptably the load on their already stretched staff and resources.

6. Beside this part of The Causeway is a quiet grass track which is a main route to and from the greater part of the Common used by many mostly local people, often daily, with dogs and without, whose progress and enjoyment of it would be rudely spoiled by the caravan site.

Contrary to accepted practice

7. To grant this application would be contrary to the efforts of the Council itself, our MP and residents' associations to clear The Causeway of the residential and other vehicles parked there more or less permanently.

Please therefore reject this application.

Yours truly **Resident**



West Side Common

Wimbledon

London

SW19

Trading Standards

London Borough of Merton Civic Centre

London Road

Morden, Surrey.

SM4 5DX.

22/11/2015

Dear Sirs

Re: Licence application WK/201506582

We strongly object to the above application to issue a street catering licence for a van to park on the Causeway from 7 am to 7 pm seven days a week. This is not a suitable area for a catering van being a narrow road. It is also likely to cause extra litter to be deposited on the Common and pathways and prevent parking.

Urgent action is also required to remove vehicles which are permanently parked on The Causeway and surrounding streets that move infrequently and/ or are used for living accommodation. These do not allow local residents to park in the area to use the Common for recreation or to park near to the Study school. A license to allow catering will only add to the problems.

Kind regards

3) Waffle Jacks

See comments (4.7) from LBM Traffic and Highways in the main report above.

Application WK201506585

I am a resident of Merton Park

I write to object to the above application.

This is on a busy corner opposite the new Nelson Health Centre and also importantly opposite on the Kingston Road to The Leather Bottle Pub.

The pavement is not particularly wide and the hours requested are excessive.

This is predominantly a residential area and there should be no chairs and tables outside after 9pm should you insist on granting this application

Cllr David Simpson CBE