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LICENSING COMMITTEE

24 FEBRUARY 2022

(7.15 pm - 8.07 pm)

PRESENT Councillors Councillor Nick Draper (in the Chair),
Councillor David Simpson, Councillor Stan Anderson,
Councillor Pauline Cowper, Councillor Nigel Benbow,
Councillor Paul Kohler, Councillor Mary Curtin,
Councillor Oonagh Moulton, Councillor Janice Howard,
Councillor Stephen Alambritis, Councillor John Dehaney and
Councillor Russell Makin

ALSO PRESENT Richard Seedhouse (Democratic Services Officer)

ATTENDING Caroline Sharkey (Licensing Manager), Guy Bishop (Senior
REMOTELY Lawyer - Litigation and Licensing) and David Ryan (Licensing
Enforcement Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

There were no apologies for absence.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting of 14 October 2021 were agreed as a correct record.

4 LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED), DRAFT STREET TRADING POLICY FOR LONDON BOROUGH OF MERTON (Agenda Item 4)

The Licensing Officer presented the Draft Street Trading Policy for London Borough of Merton, highlighting that a similar policy is to be presented in the London Borough of Richmond Upon Thames in June.

The Licensing Officer advised the committee that the draft policy sets out new standards and procedures that the Licensing Authority will follow in consideration of new applications for Street Trading applications. The applications are made under Part 3 of the London Local Authorities Act 1990, this includes Street Trading Pitches, Table and Chairs on the Highway, Market Stall Licences and Shop Front Display Licences.

The policy is seeking to replace the current regulations which the Council adopted in March 2009. The proposed Street Trading Policy is intended to give the Council a

framework from which to administer and regulate Street Trading ensuring a consistent approach. The policy will serve as a reference point for applicants, officers, other responsible authorities and the Licensing Committee. It will strengthen the decision-making process.

In response to questions, the Licensing Officer explained that the main differences in the policy since 2009 were to improve the application and decision-making processes rather than change the terms of the licences themselves.

No changes are to be incurred by existing licence holders, except where there is a requirement to improve Air Quality through the reduction of engine idling vehicles for the purpose of providing Street Trading activities. Applications for a zero-emission capable street trading vehicle will be favourably considered. Existing traders will be required to conform to new requirements for improving Air Quality by 1st January 2024.

The policy also makes clear what enforcement regulations and processes will exist to ensure street traders meet expected requirements. The policy maintains the requirement of 2m of access around street trading sites.

The Metropolitan Police and Highways Authority are key partners in advising on applications during the 28-day consultation period before a license could be granted. Licenses are issued for a maximum of 1 year in Merton. Traders are expected to remove street furniture when not open. New licenses tend to be limited to 6 months to allow opportunity to see how trading patterns impact the community, and if there are unresolvable issues, then licenses can be restricted or revoked when they come up for renewal, these decisions are appealable by the trader at the magistrates' court.

The policy would be reviewed in the future, at regular intervals or if/when the Government changes the law. Every 5 years, in line with other the licensing policies. Appendix 1 of the draft Street Trading Policy lists organisations that will be consulted, in addition to being published on the council website and in local press. The Licensing Officer agreed to add Residents Associations to the list.

RESOLVED: That the Licensing Committee approved for consultation on the draft recommended Street Trading Policy as laid out in appendix A and that Officers be instructed to report to the next Licensing Committee meeting on the outcome of the consultation.