

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

28 JUNE 2022

(7.15 pm - 8.10 pm)

PRESENT Councillors Councillor Edith Macauley (in the Chair),
Councillor Paul Kohler, Councillor Michael Brunt,
Councillor Caroline Charles, Councillor Jil Hall,
Councillor Samantha MacArthur, Councillor Gill Manly,
Councillor Robert Page, Councillor Michael Paterson,
Councillor Martin Whelton, Councillor James Williscroft and
Councillor Helena Dollimore

ALSO PRESENT Richard Seedhouse (Democratic Services Officer)

ATTENDING REMOTELY Councillor Stephen Mercer, Caroline Sharkey (Licensing
Manager) Guy Bishop (Senior 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 24 February 2022 were agreed as a correct record.

4 REPORT ON THE PROPOSED DRAFT STREET TRADING POLICY (Agenda Item 4)

The Licensing Manager presented the report on the proposed Street Trading Policy. The Policy is regulated under the London Local Authority Act 1990.

At the last meeting the members agreed that the policy should be put out for consultation. The consultation was completed between 11 March and 31 May. All key stakeholders, existing licensing holders, Highway Authority, Ward Councillors, the Police and the Fire Authority. Also consulted with four other interested parties listed within in the paper.

The majority of comments were in favour of the policy. Concerns were raised around the clearance around street trading sites of 2m, which is above the national standard of 1.5m. Concerns were raised around advertising boards, but these are outside of this policy, and this is a planning and highways issue.

We have included environmental considerations within the policy. However, the majority of Merton Street Traders already use electric bollards where they require power.

In response to questions the Licensing Manager clarified that the 3m guideline suggested the Mayor of London wouldn't work across the whole borough. The National Standard of 1.5m is a minimum requirement, most London boroughs apply either 1.5m or 2m. There is a risk of a legal challenge if we were to far exceed the national standard.

Second hand electrical items are not generally accepted on market stalls, and we have not had a request in the last 7 or 8 years and if they were to be accepted, they would need to be connected to a shop. Police have not raised this as a specific issue with us.

Dining places in parking bays are covered by the Business and Planning Act which covers pavement licences and they were brought in as a special measure during the pandemic, and look set to remain, but are covered by a separate policy to Street Trading, which comes under the London Local Authority Act.

At the last meeting a request for consultation with Residents Associations was made, when the consultation was sent to Ward Councillors they were asked to share with Residents Associations to collate those views, additionally a large number of such Associations were consulted directly, but they aren't all listed in the report. Feedback was received from a respondent representing a disability group. The Licensing Manager committed to ensure that future consultations will proactively include organisations representing the elderly and mobility impaired, rather than relying on them to catch announcements on the Council website.

The Committee agreed that there was not a need to redo the consultation for this policy to capture a wider audience. The Licensing Manager agreed to share a list of the Housing/Residents Associations with the Committee Members so that they could suggest amendments and/or additions.

If the Government introduces any new legislation, the policy will adopt that as the baseline for the policy.

The Licensing Manager confirmed that location is part of a licence application and the Highways Agency and Planning Team are consulted as part of the application process before a licence is issued. If the Highway Agency feel that an application would impinge upon the highway or a cycle path, the application would be refused.

RESOLVED:

- A That the Committee considered the comments received during the public consultation process on the draft Street Trading Policy, which took place between 11th March and 31st May 2022;

- B. That the Committee approved the Street Trading Policy attached at Appendix A of the report (subject to any amendments required by this Committee);
- C. That the Committee recommended the policy for adoption by full Council on 14h September 2022.

The Committee requested that more detail on licensing applications be added to the website so that interested parties can see a bit more information about what applications are requesting.

The Licensing Manager agreed to bring a paper to a future meeting on how Licensing can be used to invigorate the night time economy.

This page is intentionally left blank