

Merton Council

Licensing Committee

Membership

Jeff Hanna (Chair)

David Simpson CBE

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: 27 November 2014

Time: 7.15 pm

Venue: Committee rooms D & E - Merton Civic Centre, London Road, Morden SM4 5DX

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

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

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

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Licensing Committee

27 November 2014

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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.

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

12 JUNE 2014

(19.15 - 19.35)

PRESENT Councillor Jeff Hanna (in the Chair), Councillor David Simpson, Councillor Stan Anderson, Councillor Michael Bull, Councillor Tobin Byers, Councillor Pauline Cowper, Councillor Philip Jones, Councillor Joan Henry, Councillor Gregory Udeh, Councillor Linda Taylor and Councillor Jill West

Also present: Hilary Gullen, Democracy Services Officer

1. DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest

2. APOLOGIES FOR ABSENCE

Councillor John Sargeant

3. MINUTES OF THE MEETING HELD ON 27TH FEBRUARY 2014

In agreeing the minutes as a correct record, the committee noted the informative presented by the Licencing Officer that the licensing team will soon be part of the Joint Shared Regulatory Service which is currently being rolled out across Merton and Richmond. Once this is in place, which is anticipated in next few months, it will allow Licensing and Public Health across the two boroughs to look and develop larger initiatives/ projects in reducing harms from alcohol. As a result, it is anticipated a full report will be brought to the next Licensing Committee.

4. BOROUGH WIDE CONTROLLED DRINKING ZONE (CDZ) REVIEW

The chair explained the absence of any officer from Safer Merton being available to speak to the report.

The chair asked the committee to consider whether the information provided in the report was sufficient to arrive at a decision regarding the CDZ.

Panel members raised the following points during discussion:

- How the data was collected (a member queried the peak point on Thursdays, and whether this was because stops were being made when the police have a high presence)
- Whether there was a lack of enforcement in some areas, ie Mitcham
- Whether there was a lack of uniformity in approach to data collection

- Whether there was historical data to provide a bench mark for further analysis.

It was agreed that a police presence at the meeting would have been helpful.

Resolved :

That the CDZ. should remain in place, pending a more comprehensive report to be presented to the committee in one year's time and that the Chair would liaise with the Borough Commander to discuss points raised by the committee in discussing the report, relating to data collection (uniformity of process across the borough), the availability of comparative data, enforcement and reporting mechanisms.

Committee: Licensing Committee

Date: 27 November 2014

Wards: All.

Subject: Licensing and Gambling legislation

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

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

Forward Plan reference number: N/A

Contact Officer: Barry Croft, Licensing Manager, London Boroughs of Merton and Richmond upon Thames Joint Regulatory Services Partnership.

Recommendations:

A. Members to note and comment on the report.

1. Purpose of report and executive summary.

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

The joint regulatory services partnership;

The process concerning the updating of the London Borough of Merton's Licensing and Gambling policies in 2015 with a view to publication in 2016;

The process involved in considering whether to introduce an cumulative impact zone for Mitcham Town Centre;

Advising on the progress made on the voluntary restriction on the sale of beers from off licence premises in Mitcham above 5.5% ABV; and

Advising on any updates to the Licensing Act 2003 or the Gambling Act 2005 which may be of interest to the Committee.

2. Details.

2.1 Joint Regulatory Services Partnership.

Since 01 August 2014, the London Borough of Merton has been part of a joint regulatory services partnership with the London Borough of Richmond upon Thames, with the effect that the services of licensing, trading standards, environmental health (pollution) and environmental health (commercial) are now shared between the two boroughs.

The shared service has its own head of service, Paul Foster, and is also overseen by a joint management board, consisting of senior officers from the two boroughs, and a joint regulatory committee, consisting of two Council Members from each borough.

The stated aims of the collaboration are to achieve early savings, to drive out further efficiencies by looking at current practices and to make the service more resilient. Thus far changes to the service have only been made at the managerial level. Changes to the operational level are envisaged next year.

The change means that the former post of Environmental Health (Pollution) and Licensing Manager has now been deleted. All matters relating to Licensing are now managed by Barry Croft, Licensing Manager London Borough of Merton and the London Borough of Richmond upon Thames Joint Regulatory Services Partnership, who has responsibility for licensing matters in both boroughs.

2.2 Review of the Statements of Merton's Licensing and Gambling Policies.

There is a statutory requirement that the under the Licensing Act 2003 and the Gambling Act 2005 that the council reviews its policies under these Acts. In the case of alcohol, regulated entertainment and late night refreshment, administered under the Licensing Act 2003, the Council's Licensing Policy must be re-published every five years. In the case of betting shops, lotteries, bingo and gaming machines, administered under the Gambling Act 2005, the Council's Statement of Principles under the Gambling Act 2005 must be re-published every three. The current Licensing Policy under the Licensing Act 2003 will expire on 06 January 2016 and the current Statement of Principles under the Gambling Act 2005 will expire on 31 January 2016.

Both policies must be adopted by full council before they expire and both are subject to a public consultation process. It will therefore be necessary to place both policies before full council before or during January 2016 but before the dates on which they expire. It is not yet possible to formalise a date for this process, as the meeting dates have not been published beyond May 2015.

Both the Licensing Act 2003 and the Gambling Act 2005 require that various parties be consulted prior to the publication of the statement of Licensing Policy. The consultation period proposed for both policies will be three months.

Before the matter is brought before full council, it will be introduced and discussed at a licensing committee hearing next year at a date to be decided.

2.3 **Consideration of a Cumulative Impact Zone Being Introduced in Mitcham Town Centre.**

At a recent meeting with the Licensing Manager Barry Croft, Councillors Draper and Hanna asked about the possibility of introducing a Cumulative Impact Zone (CIZ) in Mitcham town centre, concerns having been raised about issues such as street drinking and disorder.

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

There are currently two CIZs in the borough, one in Wimbledon Village, the other in the Wimbledon Broadway area.

The adoption of a CIZ requires that it be included in the statement of licensing policy, following the procedure described in this report, meaning that the matter must effectively be decided by full council.

The steps that must be followed when considering the adoption of a CIZ are governed by Chapter 13 of the Guidance issued under Section 182 Licensing Act 2003. Those steps are as follows:

1. Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm;
2. Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
3. If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
4. Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise); and

5. Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Paragraph 13.23 stipulates that “ ... *There must be a clear evidential basis for the decision to include a special policy within the statement of licensing policy ...*” The Guidance then goes on to list the information from which the necessary evidence can be gleaned, which includes crime and disorder statistics; complaints made to the police and local authorities regarding anti social behaviour and environmental health issues; complaints made to the local authority by local residents; residents’ questionnaires; evidence from local councillors and evidence obtained from local consultation. The Guidance also states that the authority can also take into consideration such matters as trends in licensing applications, for example the type of application and terminal hours; changes in terminal hours to premises and the capacity of premises at various times of the day. The Guidance also states that where the local authority believe that where there are problems in an area resulting from the cumulative impact of licensed premises, and where the information to support that assertion is insufficient or not readily available, it can consider undertaking or commissioning a specific study to assess the position.

The consultation process involves contacting various parties, namely:

- The chief officer of police for the licensing authority’s area;
- The fire authority for that area;
- Such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority;
- Such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
- Such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
- Such other persons as the Licensing Authority consider to be representative of business and residents in its area.

Should it be determined that sufficient evidence to adopt a special policy exists, the process of amending the Licensing Policy as described previously in this report starts. The resulting change to the statement of Licensing Policy would, if all other matters are considered and the necessary amendments made, result in its being considered reviewed for the purposes of the Act, as the existing licensing policy would effectively be replaced. Therefore, it might be prudent to conduct a full review of the

policy, taking all relevant matters into account as well as the consideration of a CIZ in Mitcham town centre.

2.4 **Voluntary Restriction on High Strength Beers and Ciders in Mitcham Town Centre.**

Following concerns raised by the Metropolitan Police about the problems caused by street drinking in the Mitcham town centre area, the licensing team, in collaboration with the licensing sergeant at Wimbledon Police Station, decided to research methods of controlling the sale of high strength beers and ciders from licensed premises in that area, notably those that are exclusively licensed for off sales.

Under the terms and conditions of the Licensing Act 2003, the only method of imposing conditions on an existing premises licences would be by seeking a review, a procedure that would not only require evidence that a given specific licenced premises was undermining the licensing objectives, but would also result in a formal hearing to determine the matter. Given the number of premises concerned, this would be both a lengthy and costly process.

Given that the information from the Police, indicated that there is an issue with the consumption of high strength beers and ciders by street drinkers in Mitcham Town Centre, it appeared that an alternative method of tackling the problem would be some form of voluntary agreement among retailers undertaking not to sell beer and ciders over 5.5% ABV. Another method considered was asking the retailers to consider applying for a free minor variation, adding a condition to their premises licences prohibiting the sale of beer and ciders over that figure.

Clearly the option of suggesting a minor variation has the advantage of making the resulting condition enforceable. However, the initial approach to licence holders suggesting this course would need to be supported by reliable evidence and, further, could be said to be contrary to the rule of natural justice, since it implies that all licensed premises in the area are equally implicated in contributing to the problem.

It was therefore decided that best way of dealing with the issue would be by asking licence holders to sign a voluntary agreement undertaking not to sell high strength beers and ciders over 5.5% ABV. Whereas such an agreement is not enforceable, it has the advantage of being completely fair and so free from any challenge over fairness. Further, it presents a means of working with the trade to solve local issues, leaving more punitive measures available to deal with identified problem premises.

A series of joint visits have been conducted in the area, during which the police and licensing officers have broached the possibility of such an agreement with local shopkeepers. The response has been generally positive but with the caveat among those who run small businesses that the larger outlets should also be prepared to become involved in the scheme. Currently, we understand that the police are in negotiation with Morrisons, a larger outlet in the area, with a view to that organisation championing the scheme.

Though a joint enterprise, the scheme is led by the police. Therefore the licensing team await the outcome of the possible agreement of Morrisons and will assist in moving the matter forward, when our police colleagues have decided on the appropriate strategy.

2.5 **Updates on Licensing Legislation.**

Revised section 182 guidance under the Licensing Act 2003.

The Home Office published revised guidance under section 182 of the Licensing Act 2003 in October 2014. This document replaces the section 182 guidance which was published in June 2014. The changes made to this latest versions of the section 182 guidance are summarised in the explanatory memorandum to the revised guidance issued under section 182 of the Licensing Act 2003 attached at **Appendix "A"**.

Revision to the Temporary Event Notice form (October 2014).

The Home Office has revised the temporary event notice form to include a section on the provision of sex entertainment. Notice givers are now required to identify the provision of any sex entertainment to be provided at the same time as licensable activities. For the purposes of this change the Home Office have categorised sex entertainment as a relevant entertainment.

Updated Mandatory Conditions.

The Home Office have updated the mandatory conditions which appear on all premises licences and club premises certificates issued by the Licensing Authority. The updated mandatory conditions include the following:

- A ban on irresponsible drinks promotions;
- To ensure free portable drinking water for customers is available;
- To ensure that small measures of beer, wine and spirits are offered and that customers are made aware of them; and
- To ensure that all those who sell or supply alcohol have an age verification policy in place requiring them to ask anyone who looks under the age of eighteen for proof of age.

It has been confirmed by the Home Office that renewals for personal licenses will be abolished by the Deregulation Bill

Renewal of personal licenses.

The Home Office have announced that personal licence holders, who's personal licence is due to expire in 2015, will not be required to renew their licence. An amendment will be made to the Licensing Act 2003 by the Deregulation Bill which is due to be published in the spring of 2015. The Home office have also confirmed that proposed changes to the Licensing Act 2003, brought about by the Deregulation Bill for the renewal of personal licenses, may not receive Royal Assent before the first date of the expiry of some personal licenses.

To overcome this, the Home Office propose to introduce transitional arrangements which will require the personal licence holder to notify the relevant Licensing Authority of their intention to renew their personal licence. The Home Office will be publishing an application form and guidance to address this matter. This simple notification will not require the payment of a renewal fee or the submission of a new criminal records check by the personal licence holder.

Locally Set Licensing Fees.

At a recent Institute of Licensing conference, attended by the Licensing Manager, a Home Office representative confirmed that the Government were still considering the comments received following publication of the consultation document on locally set fees under the Licensing Act 2003. The Home Office representative would not be drawn to give any further comment regarding this matter. The current mandatory fees for applications made under the Licensing Act 2003 have been in place since November 2005.

3. Alternative options.

3.1 None for the purposes of this report.

4. Consultation undertaken or proposed.

4.1 None for the purposes of this report.

5. Timetable.

5.1 None for the purposes 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 in Merton under Section 17 Crime and Disorder Act 1988. The prevention of crime and disorder is also one of the council's statement of licensing policy.

By examining issues raised such as the possible adoption of a CIZ in Mitcham town centre and the possible introduction of a scheme to limit the sale of high strength alcohol, the licensing authority is contributing to that commitment.

- 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” explanatory memorandum to the revised guidance issued under section 182 of the Licensing Act 2003.

- 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.

EXPLANATORY MEMORANDUM TO
REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT
2003, DATED OCTOBER 2014

1. This explanatory memorandum has been prepared by the Home Office (“the Department”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Secretary of State is revising the guidance issued under section 182 of the Licensing Act 2003 (“the 2003 Act”) to provide advice to licensing authorities in relation to the implementation of three statutory instruments (the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (“the Order”), the Licensing Act 2003 (Hearings) (Amendment) Regulations 2014 and the Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2014 and the matters described in paragraph 7.2.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative context

4.1 The 2003 Act provides a system of authorisation for the following activities (referred to as “licensable activities”): the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; and the provision of late night refreshment. It is a criminal offence to carry on, or attempt to carry on, a licensable activity on or from premises without an appropriate authorisation under the 2003 Act. Such an authorisation may comprise a premises licence, a club premises certificate or a temporary event notice (“TEN”).

4.2 The 2003 Act provides a framework within which licensing authorities process and determine applications and exercise other licensing functions. In accordance with section 182 of the 2003 Act, the Secretary of State must issue guidance to licensing authorities on the discharge of their functions under the 2003 Act. Licensing authorities must have regard to this guidance but may depart from it if they have good reason to do so, although any such departure may give rise to an appeal or judicial review. The Secretary of State may also issue revised guidance from time to time. The coming into force of three statutory instruments made under the 2003 Act and the matters described in paragraph 7.2 make it necessary to issue the revised guidance to which this memorandum relates.

5. Territorial extent and application

5.1 This revised guidance applies in England and Wales.

6. European Convention on Human Rights

6.1 As the guidance is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The coming into force of three new statutory instruments require revision to the guidance to ensure that it is consistent with the new provision they make, and that licensing authorities have appropriate advice about their application. As a result of these legislative changes, the guidance has been revised to provide licensing authorities with updated advice in relation to their exercise of functions relating to the changes. These include revision to:

- Chapter 7 in relation to a change to the TEN form which now requires the premises user to specifically state whether the premises are proposed to be used to provide relevant entertainment (for example, lap dancing) at the event in respect of which the TEN is given;
- Chapter 10 in connection with the changes to the mandatory conditions made by the Order; and
- Chapter 16 (Early Morning Alcohol Restriction Orders (EMROs)) to clarify aspects of the process by which licensing authorities introduce an EMRO (for example, by adding a flow chart at the end of Chapter 16).

7.2 Moreover, there are a number of minor revisions to clarify the advice to licensing authorities about some additional matters. These include revisions relating to the use of health data to underpin decisions based on what is appropriate to promote the licensing objectives and to protect children from harm (Chapters 2 and 9), a reference to the Portman Group's Retailer Alert Bulletins (Chapter 9) - which licensing authorities should consider imposing as a condition on licence holders where there is specific evidence of irresponsible naming, packaging or promotion of alcoholic drinks which are linked to the undermining of one of the licensing objectives, that licensing authorities may wish to consider whether conditions are appropriate to prevent the sale of New Psychoactive Substances (NPS) alongside the sale of alcohol at licensed premises (Chapter 10), clarification that it is an offence to store counterfeit alcohol on licensed premises (Chapter 11), clarification that cumulative impact policies can apply to any licensable activities including the sale of alcohol on or off the premises and the sale of late night refreshment - irrespective of whether that includes the sale

of alcohol (Chapter 13), and the powers available to licensing authorities to consider the staggering and zoning of closing times (Chapter 13).

- Consolidation

7.3 This does not apply to the guidance issued under section 182 of the 2003 Act.

8. Consultation outcome

8.1 The Department carried out a consultation on the Alcohol Strategy from 28 November 2012 to 6 February 2013, and around 1,450 responses were received. This consultation included questions on reviewing the mandatory licensing conditions. A number of suggestions were received, but in order to strike a balance between promotion of the licensing objectives and burdens on business, it was decided to restrict the changes to those which caused the most concern, namely:

- Simplifying and tightening the law on irresponsible promotions;
- Requiring on-trade premises to list the price of small measures (125ml glasses of still wine, 25ml measures of gin, rum, vodka and whisky and half pints of beer and cider) alongside other sizes on menus and price lists, and make customers aware of their existence where they do not specify a measure;
- Requiring availability of free, potable drinking water;
- Clarifying that responsibility for age-verification lies with the designated premises supervisor; and
- Allowing documents bearing ultra-violet fluorescent ink to be used as age verification documents.

8.2 Details of the consultation and the Government's response are available on the Department's website at <http://www.homeoffice.gov.uk/>.

9. Guidance

9.1 The purpose of this explanatory memorandum is to describe revisions to the guidance issued under section 182 of the 2003 Act.

9.2 The statutory guidance is available on gov.uk.

10. Impact

10.1 An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.

11. Regulating small business

11.1 The revised guidance applies to small businesses as all licensed premises must comply with requirements imposed in accordance with the 2003 Act. It is not anticipated that it will have an adverse impact on small businesses.

12. Monitoring and review

12.1 The Government will continue to review the guidance, including in relation to the changes made by the Order, so as to monitor its impact both on the licensing objectives (in general) and on licensing authorities and other persons to which this guidance is relevant.

13. Contact

13.1 In connection with the revised section 182 guidance, please contact Sam Hardy, Drugs and Alcohol Unit, the Home Office on 020 7035 1784 or Sam.Hardy@homeoffice.gsi.gov.uk who can answer any queries about the revised statutory guidance.

Committee: Licensing

Date: 27th November 2014

Agenda item:

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

Forward Plan reference number:

Contact officer: John Hillarby

Recommendations:

- A. That committee resolves to designate the proposed areas.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

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

2 DETAILS

- 2.1. The Street Trading Service has received 11 new applications from traders interested in utilising the highway for the purposes of street trading.

- 2.2. This report concerns the designation of 11 new trading pitches.

The areas:

- 1) An area of 5.1m x 1.9m outside MJ Halal Meat 4 Langdale Parade Upper Green East Mitcham CR4 2PF.
- 2) An area of 5.9m x 1m outside Rana Foods & Halal Meat 35 London Road Morden SM4 5HT.
- 3) An area of 6m x 1m outside Nordic Style Sweden 7 High Street London SW19 5DX.
- 4) An area of 4.6m x 2m outside Top Fashion Hair & Beauty, 2 Langdale Parade Upper Green East Mitcham CR4 2PF.
- 5) An area of 6m x 0.6m outside Madura Fancy & Giftware 60 London Road Morden Surrey SM4 5BE.
- 6) An area of 3.7m x 1m outside Brew 21 High Street London SW19 5DX.
- 7) Two areas outside Monkeys, 244 Grand Drive, Raynes Park, London, SW20 9NE **a)** 3m x 1m directly outside the front window **b)** 2m x 1m outside the window on the corner of Grand Drive and Cannon Hill Lane.

- 8) Two areas outside The Old Frizzle 74-78 The Broadway, Wimbledon, SW19 1RQ a) 11.8m x 0.59m directly outside the front windows and b) 6.74m x 0.73m outside the windows on Kings Road.
- 9) An area of 5m x 10m outside Patisserie Valerie Unit 6A The Piazza, The Broadway Wimbledon.
- 10) An area of 6m x 2.5m outside 80 Morden Road and opposite Ravensbury Park Mitcham CR4 4PH.
- 11) An area of 3.9m x 1.9m on the 'Island Site' opposite 54 High Street Wimbledon SW19 5AX.

- 2.3. Street Trading is regulated by the London Local Authorities Act 1990 as amended.
- 2.4. All street trading is administered and regulated by the Council using this legislative framework. There are two types of street trading licence. A permanent licence that is valid for 1 year and a temporary licence valid from 1 day to 6 months to facilitate market trading and temporary events. It is unlawful to trade on the street without a valid street trading licence.
- 2.5. A one year Street Trading Licence can only be granted for areas designated as licence streets.
- 2.6. Merton licences specific locations (pitches) within a street rather than the street as a whole. The designation of specific locations on the street as opposed to the entire street gives greater control to the Council in regulating street trading and its impact on the environment. Licences are renewable annually.
- 2.7. Comprehensive regulations are in place to facilitate regulation and enforcement of street trading in the borough and provide a framework for all aspects of trade. These regulations are included for information as Appendix C.
- 2.8. Street trading licence fees for the year 2014-2015 are shown in Appendix D.

3 ALTERNATIVE OPTIONS

- 3.1 Designations shall not be granted.
- 3.2 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. As part of the consultation process comments were invited from both external and internal agencies such as, LBM Highways, LBM Planning and the Police. Transport for London were also consulted as two applications relate to areas for which they are the highway authority.
- 4.5. Ward councillors and residents groups in the area were invited to make representations.
- 4.6. **Ward Councillors Representations:** Representation from Cllr Bowcott, Village Ward, received in regards to application 11. The Island Site. Details contained in Appendix E Representations.
- 4.7. **Street Trading Service comments –**
- 1) M & J Halal Meat - A temporary street trading licence has been in operation for several months outside the property. The pavement in at this location is wide and there would be no restriction to pedestrian movement if the designation is granted. Shops on either side of this property have designations in place of a similar size. We have no concerns regarding this property. No objections have been received.
 - 2) Rana Food & Halal Meat - A temporary street trading licence has been in operation for several months outside the property. There has been no cause for concern and the display is kept neatly contained within the racking. No objections have been received regarding the temporary licence or designation. TfL have voiced no concerns over the area, located as it is on a wide section of the highway.
 - 3) Nordic Style – We have no concerns with this area as it is a large section of public highway and there is sufficient room to accommodate the designation without impacting on pedestrian movement. After an initially belief the area was private property an application was submitted quickly. A temporary licence has been in effect for several months with no complaints.
 - 4) Top Fashion Hair & Beauty – A temporary street trading licence has been in operation for two months outside the property. There has been no cause for concern and the display is kept neat. As with (1) above there are currently several designated sites along this parade, none of which have given cause for concern. The depth of the designation would be in line with neighbouring properties. No objections have been received regarding the licence or designation.
 - 5) Madura Fancy & Giftware – This area is particularly busy with pedestrians due to the proximity of the bus shelter on London Road. However after initial discussions with the trader the area applied for was narrowed and in keeping with other designations in the area. TfL have raised no objects to this designate, and there is insufficient reason to refuse the application.
 - 6) Brew – This area has been operating under a Temporary Licence for many months and no issues have been found. We would recommend the designation of this piece of land. As can be seen in Appendix B, there are already a significant number of designated sites in the area.
 - 7) Monkeys – A previous failed application for this land was for the placement of motorcycles. Due to the nature of the licence use, in this instance we can see no reason for the refusal of this application. The

placement of tables and chairs on the highway in Merton is common practice and this pavement is one of the widest in the borough. There is sufficient room for the public to pass without interference.

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

A previous application for a seating area to the side of the premises was refused due to concerns over the lack of space. Following that refusal officers met with the business owner and the manager of the site to discuss a more suitable area based on similar licences in the borough. A new revised seating plan was submitted taking into account the required clearance of 1.5 – 1.8 metres to the edge of the kerb. The proposed area utilises the private seating area already incorporated into the building design and requires only a small amount of public highway to do this. We feel this area does not cause any inconvenience to the public and will now sit within a more easily regulated space. A temporary licence has been active at this site for several months and we have received no complaints. Therefore we would recommend the designation be granted.

9) Patisserie Valarie – There is sufficient space on the highway to designate an area with causing any undue interference to pedestrians. There is also a similar area designated in front of the adjoining property. The main users of the Piazza, Love Wimbledon, have raised no objections to the use of this area and as such we find no reason to refuse the application. A Temporary Licence is currently in operation with no issues arising from it.

10) 80 Morden Road – This area has been applied for to enable the establishment of a new family business in the area. We have worked with the applicant to better position the site to allow better visibility for vehicles turning into and out of Lionsgate Business Park on Morden Road. Previous applications for this area have been refused due to their location on the narrow part of Morden Road near the Lookers showroom and Access Self Storage. The section of the highway where this application is focused is the widest part of Morden Road and leaves sufficient width in the highway to enable all vehicle types to pass unrestricted. At the behest of our Highways Department, the area has also been located further along the road from residential properties so as not to directly effect them. As there are no grounds for refusal we would recommend the designation of this area.

11) The 'Island Site' – Background information: The proposed pitch is located on the Island Site where old public amenities were previously located. They were paved over in the late 1980's/early 1990's and a clear horse path was constructed. Following the enactment of the London Local Authorities Act in 1990 there were applications for, and the granting of, two licence street designations.

Site 1 is used as a flower stall and was increased in size from 2.4m x 1.8m to 3.6m x 3.6m in 2012 and has been in use since the 1990's.

Site 2 is 1.83m x 1.55m and has been vacant for a number of years. This site was the subject of a previous application from another trader in January 2010 which was refused by Merton's General Purposes Committee. Concerns were raised about the proximity of the pitch to the

horse path and the risk of littering. The proposed use of the pitch was a take away food kiosk.

The current application also concerns a food operator, Forno Viaggiante, in this instance using a Citroen H van converted to operate as a pizza van. The proposed pitch location differs from the previous application which sought to increase the size of the existing pitch. This application seeks a new pitch location with some overlap of the existing pitch. It is also rotated to place the serving side away from the horse path and towards the common. Details of the pitch locations are contained within Appendix B. We believe the distance this current application has between its serving hatch and the horse path is such that no inconvenience will be caused to users of the path and no distractions will frighten the horses. Included in this report are pictures showing the level of clearance between the horse path and the site whilst in operation.

The operator of the business has been trading Friday – Sunday for several months on a Temporary Licence so as to establish himself and provide an opportunity to test the environment. We did receive a complaint regarding the leaking of oil from the vehicle but the trader was aware of this and worked to rectify the problem. We have had no other complaints regarding the use of the site.

Street Trading has been permitted at this site for many years and we feel the age and type of vehicle used does no detract from the character of the area or the surrounding buildings. Whilst appreciation for the open nature of this site is noted we are legally obliged to consider all applications and to only refuse on the grounds set out in the London Local Authorities Act 1990 (as amended). We also note that the representations received relate to the type of trading and licence conditions. The issuing of the licence and associated conditions are to be taken by officers under delegated powers.

Therefore our recommendation is for the granting of the designation and that any recommendations put forward by the committee, relating to the issuing of the licence, be taken up by officers before granting it in-so-far-as powers legally permit.

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. Part III of the London Local Authorities Act 1990 (as amended), hereinafter in these implications referred to as the “Act”, regulates trading on the street and provides a statutory consultation framework.

- 6.2. Unless provided for in the Act, Section 23 states that it is unlawful for a person to engage in street trading in any licence street within a borough unless the person is authorised to do so by a street trading or a temporary licence.
- 6.3. Under section 21 of the Act a street trading licence means a licence granted for no less than 6 months and no more than 3 years. Regulations made by the London Borough of Merton pursuant to section 27(3) of the Act prescribe that these types of licences are only granted for a year. Temporary licences are defined as licences granted for a single day or such period as may be specified in the licence not exceeding 6 months.
- 6.4. It would also be unlawful for street trading to take place if the street or part of the street that is being licensed for these purposes have not first been designated by resolution as a “licence street” pursuant to section 24 of the Act.
- 6.5. Section 24(4) to (8) of the Act prescribes the consultation process which has to be carried out before a resolution can be passed to designate a licence street and this process has been carried out by the council. This includes the advertisement in a local newspaper, service of notice on the local Highway Authority, and receipt of the necessary consent from the local Highway Authority.
- 6.6. The officer recommendation in this report is for the committee to grant all of the 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. Under section 24(3) if a borough council passes a designating resolution the designating of the street takes effect on the day specified in the resolution. This date must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.
- 6.8. Under section 24(10) the borough council has to publish a notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks. Under section 24(11) the first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

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

8 CRIME AND DISORDER IMPLICATIONS

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

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

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

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

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

11 BACKGROUND PAPERS

11.1. None.

Appendix A

LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

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

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 11 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 5.1m x 1.9m outside MJ Halal Meat 4 Langdale Parade Upper Green East Mitcham CR4 2PF. 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 display stands holding fruit and vegetables on the designated site 8am – 7pm Monday – Sunday inclusive. **Reference WK/201313479**
- 2) The Council has been requested by Mrs Flavia Araujo-Wilkinson 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 stall in Hartfield Pathway (off of The Broadway) Wimbledon SW19 1QD 8am – 6pm Monday to Sunday inclusive. **Reference WK/201406367**
- 3) An area of 5.9m x 1m outside Rana Foods & Halal Meat 35 London Road Morden SM4 5HT. 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 a fruit and vegetables stand on the designated site 9am – 9pm Monday – Sunday inclusive. **Reference WK/201401453**
- 4) An area of 6m x 1m outside Nordic Style Sweden 7 High Street London 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 furniture on the designated site 9.30am – 5.30pm Monday – Sunday inclusive. **Reference WK/201401459**
- 5) An area of 4.6m x 2m outside Top Fashion Hair & Beauty, 2 Langdale Parade Upper Green East Mitcham CR4 2PF. 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 display stands with hair and beauty related projects on the designated site 8.30am – 8pm Monday – Sunday inclusive. **Reference WK/201405389**
- 6) An area of 6m x 0.6m outside Madura Fancy & Giftware 60 London Road Morden Surrey SM4 5BE. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of display stands holding fruit and vegetables on the designated site 9am – 8pm Monday – Sunday inclusive. **Reference WK/201402656**
- 7) An area of 3.7m x 1m outside Brew 21 High Street London 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 – 10pm Monday – Sunday inclusive. **Reference WK/201400400**
- 8) Two areas outside Monkeys, 244 Grand Drive, Raynes Park, London, SW20 9NE **a)** 3m x 1m directly outside the front window **b)** 2m x 1m outside the window on the corner of Grand Drive and Cannon Hill Lane. 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 7.30am – 5pm Monday – Saturday inclusive. **Reference WK/201402304**
- 9) Two areas outside The Old Frizzle 74-78 The Broadway, Wimbledon, SW19 1RQ **a)** 11.8m x 0.59m directly outside the front windows and **b)** 6.74m x 0.73m outside the

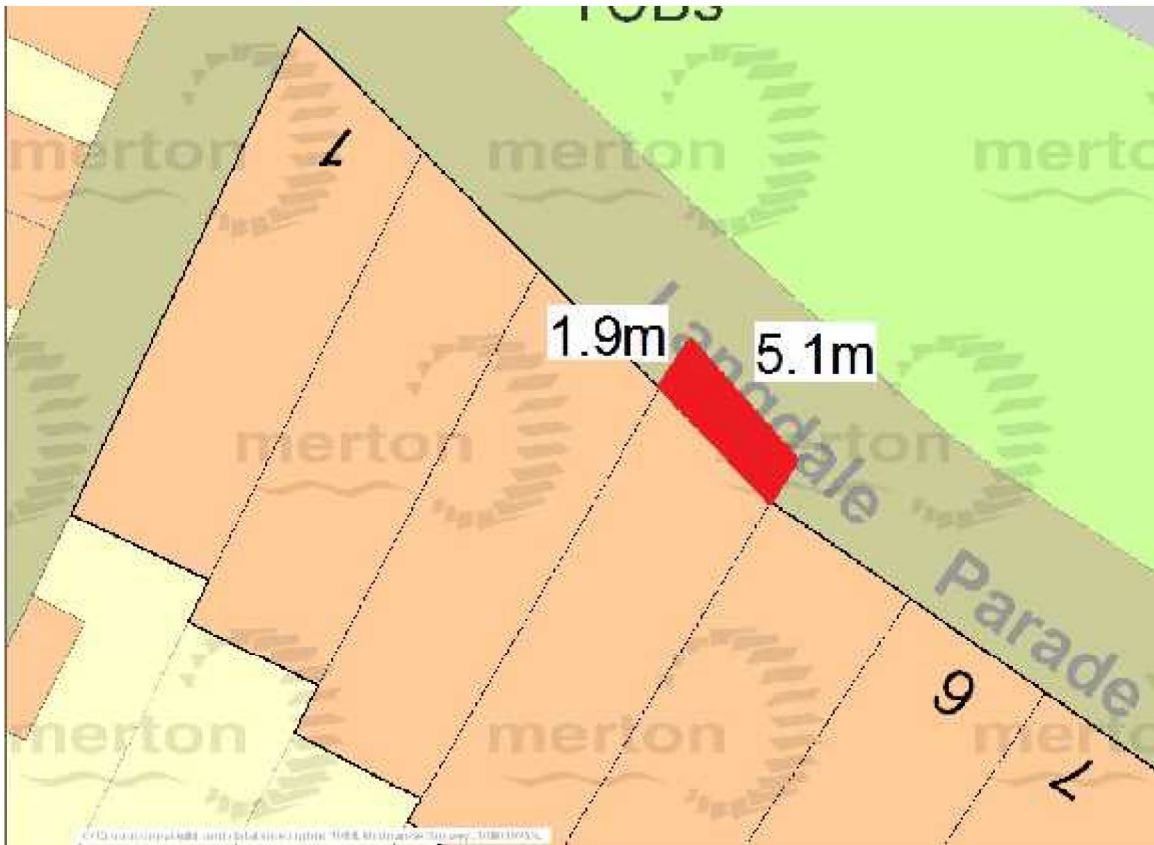
windows on Kings Road. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 11am – 10pm Monday to Thursday 10am – 10pm Friday and 10am – 9pm Sunday. **Reference WK/201405466.**

- 10) The Council has been requested by Mr Alexander Zimmermann 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 stall on Pitch 3 St Mark's Place Wimbledon SW19 to sell German street food 7am – 7pm Monday to Sunday inclusive. **Reference WK/201406369**
- 11) An area of 5m x 10m outside unit 6A The Piazza, The Broadway Wimbledon. 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 for a patisserie on the designated site 8am – 8pm Monday – Saturday inclusive and Sunday 9am – 7pm. **Reference WK/201406474.**
- 12) An area of 6m x 2.5m outside 80 Morden Road and opposite Ravensbury Park Mitcham CR4 4PH. The Council has also been requested by Mr Ian Hurley to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a food van on the designated site 6.30am – 4pm Monday – Saturday inclusive. **Reference WK/201406154**
- 13) An area of 3.9m x 1.9m on the 'Island Site' opposite 54 High Street Wimbledon SW19 5AX. 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 a pizza van on the designated site 10am – 8pm Monday – Sunday inclusive. **Reference WK/201405612.**

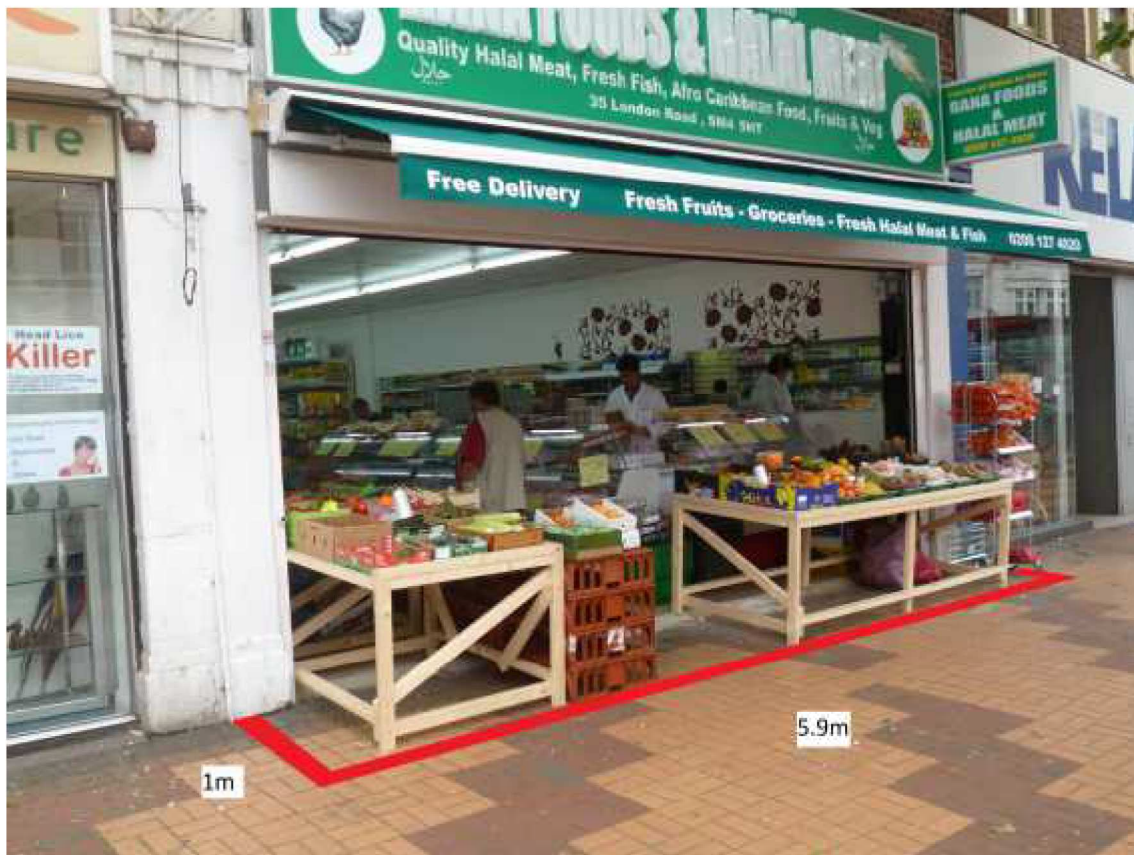
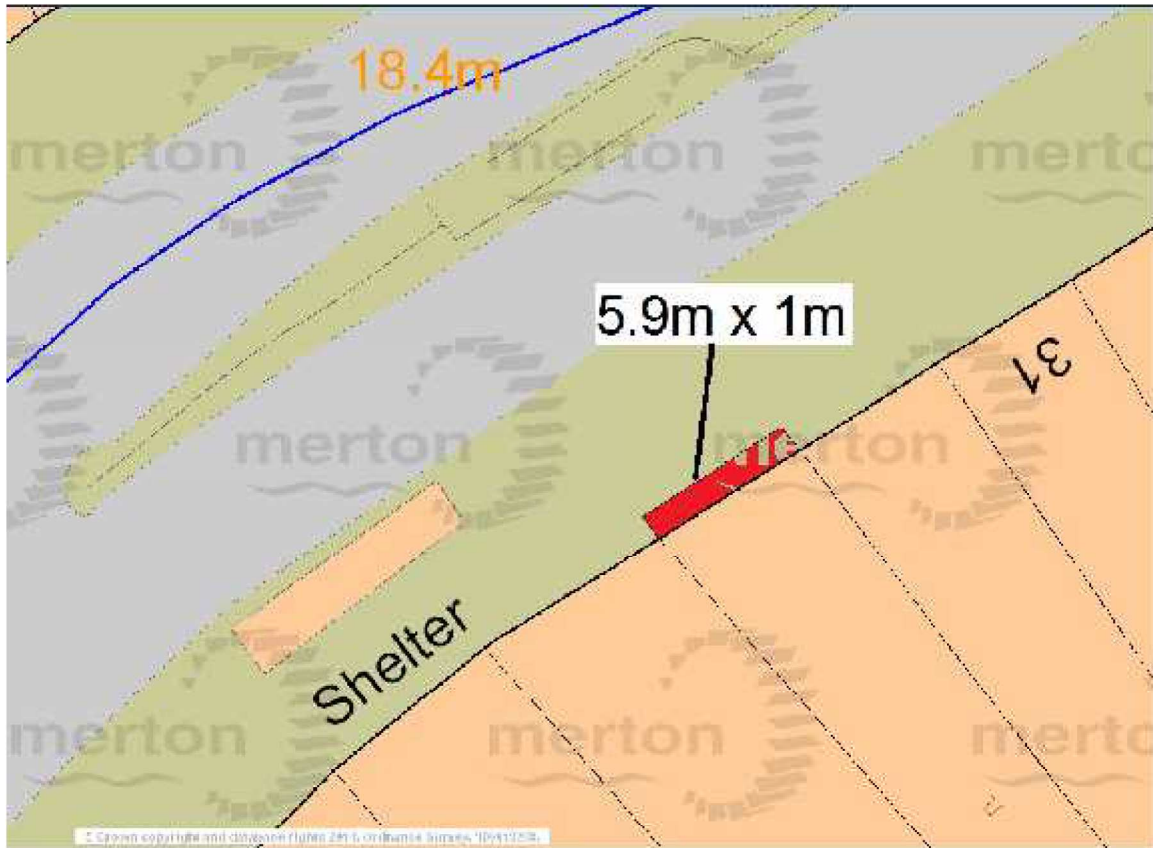
If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Trading Standards, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting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

Dated this the 16th October 2014

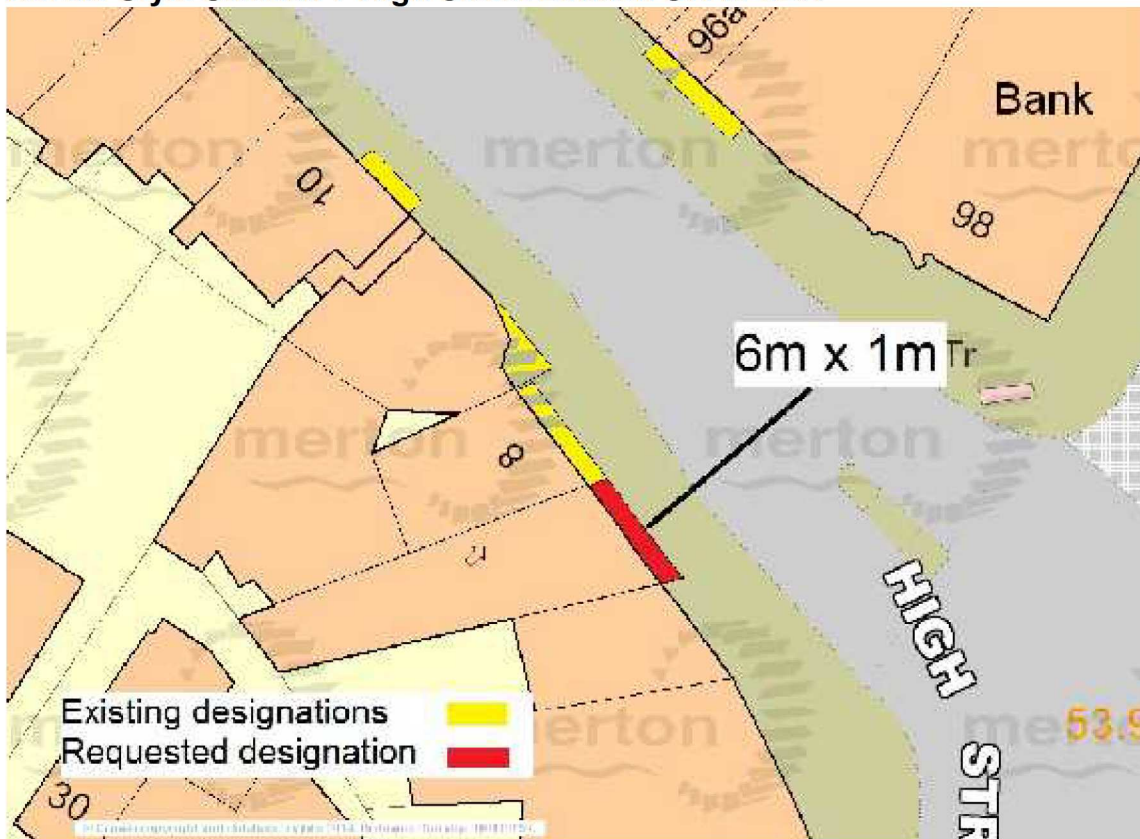
Appendix B
M & J Halal



Rana Foods & Halal Meat 35 London Road Morden SM4 5HT



Nordic Style Sweden 7 High Street London SW19 5DX



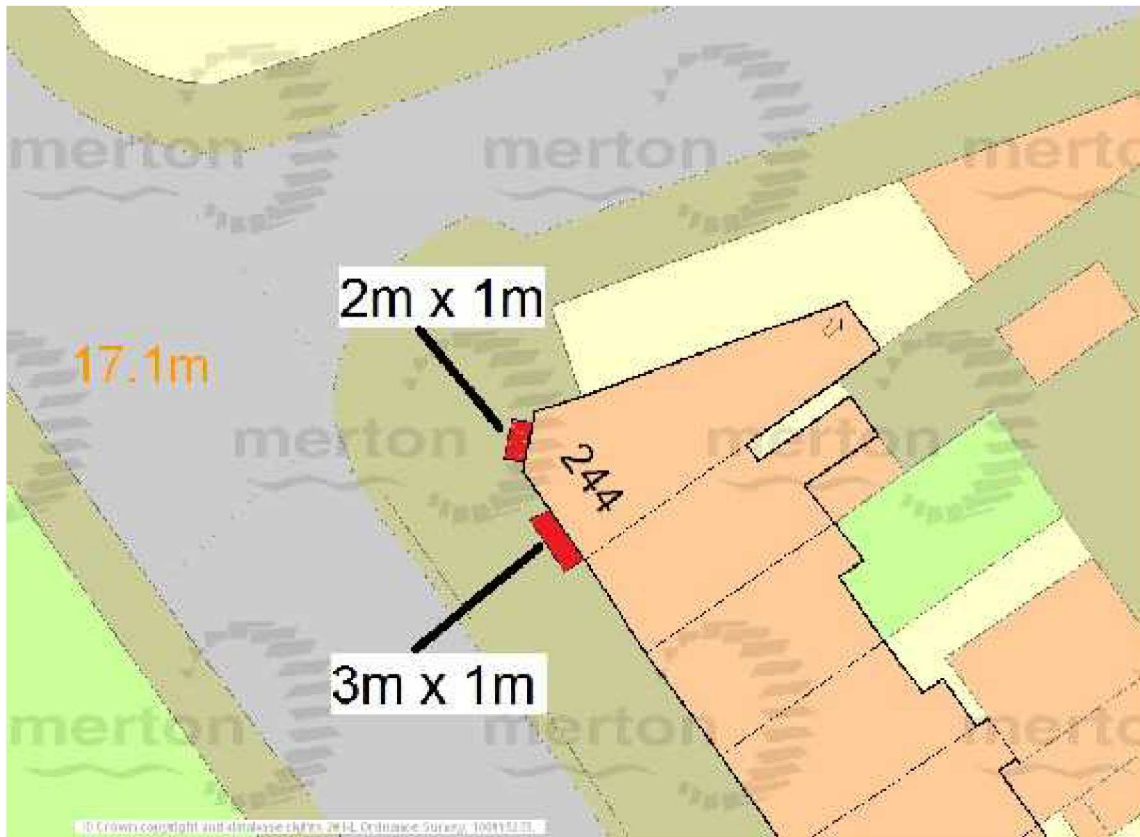
Madura Fancy & Giftware 60 London Road Morden Surrey SM4 5BE



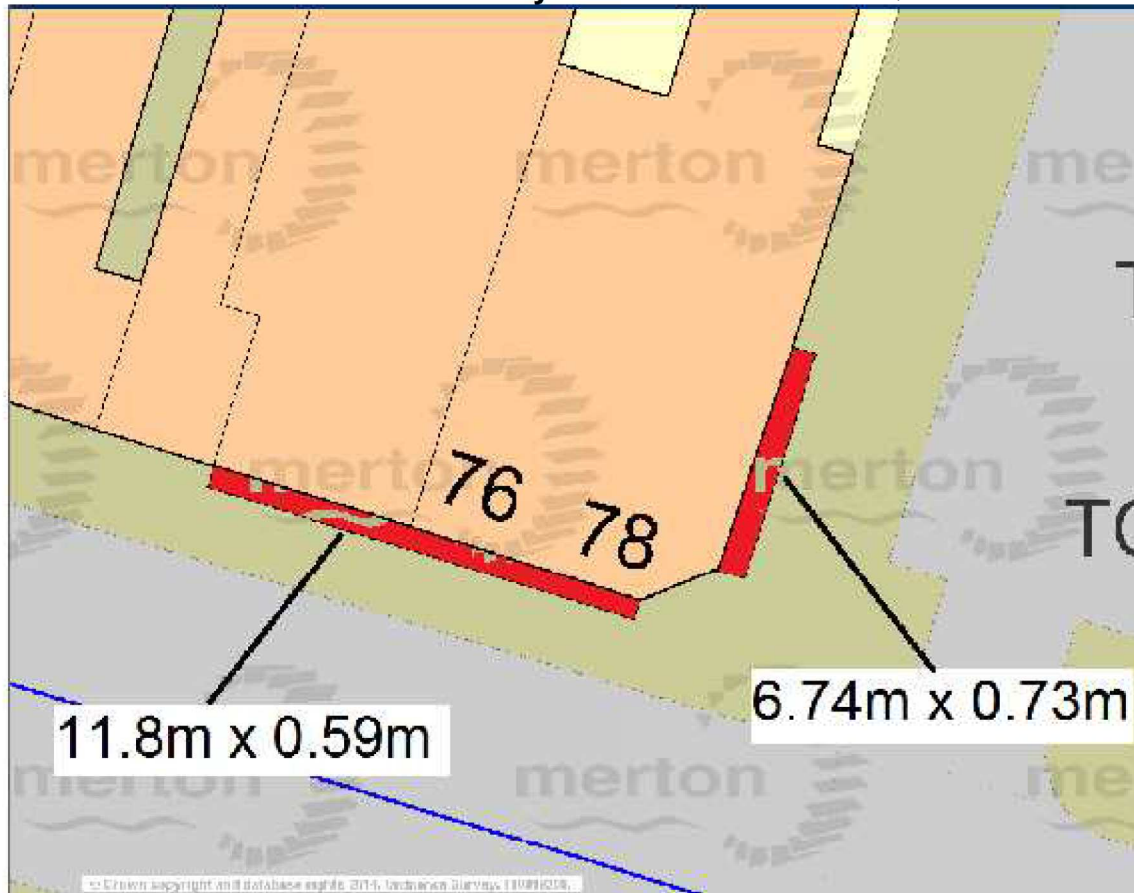
Brew 21 High Street London SW19 5DX



Monkeys, 244 Grand Drive, Raynes Park, London, SW20 9NE



The Old Frizzle 74-78 The Broadway Wimbledon SW19 1RQ.



View from the corner of The Broadway and Kings Road



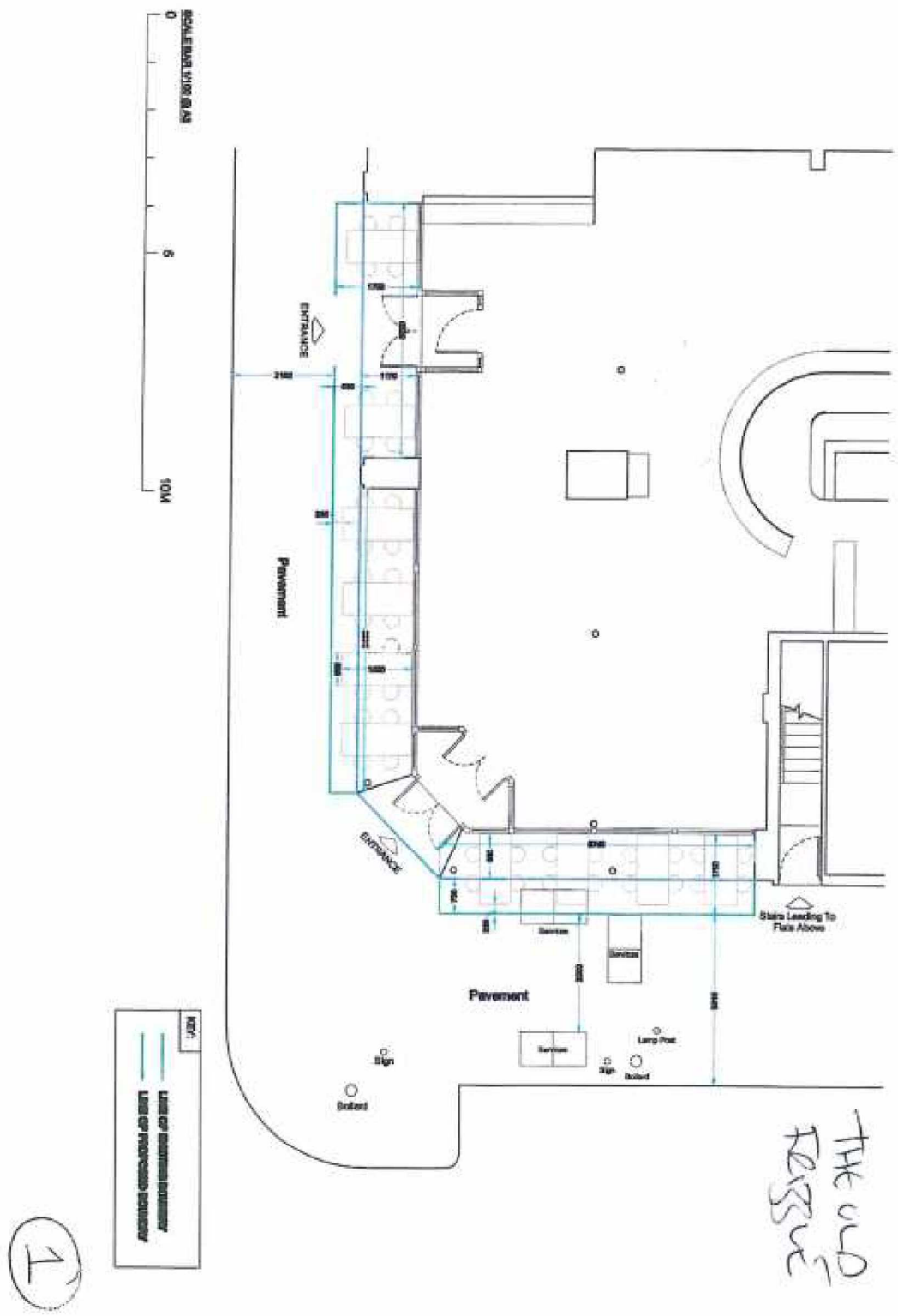
View North West along The Broadway



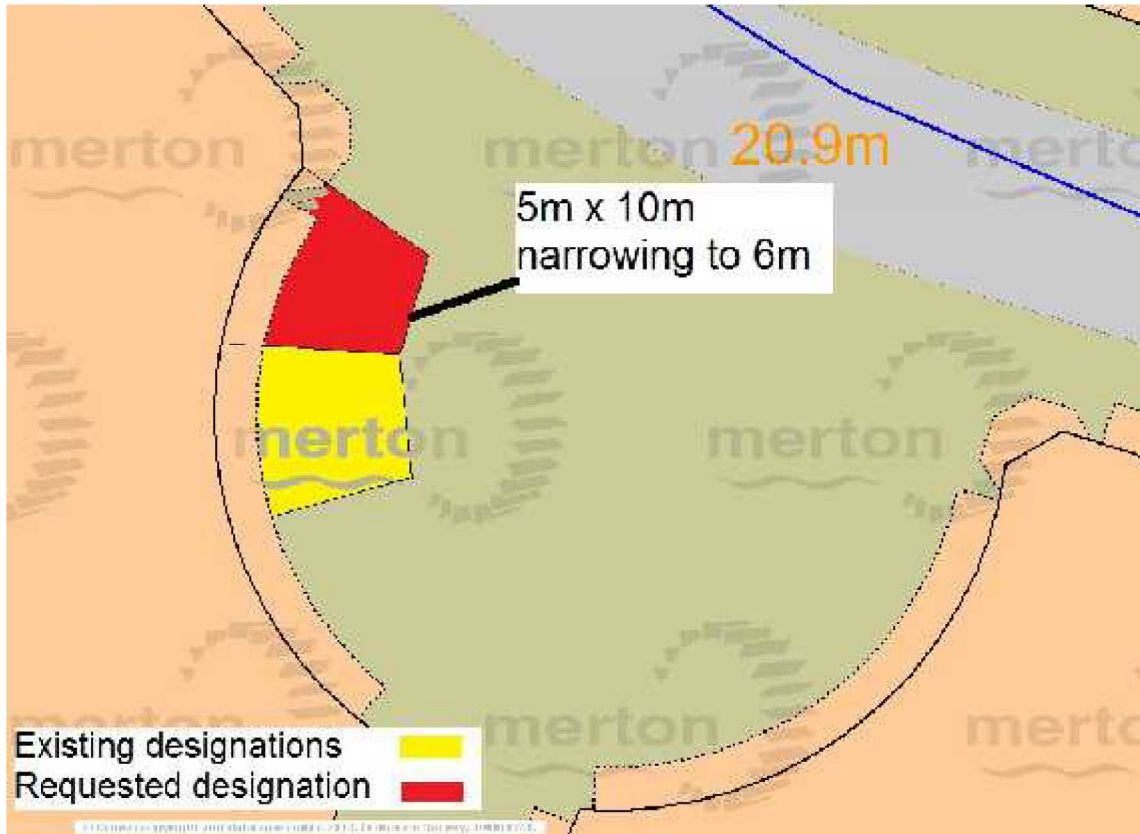
View North East along Kings Road



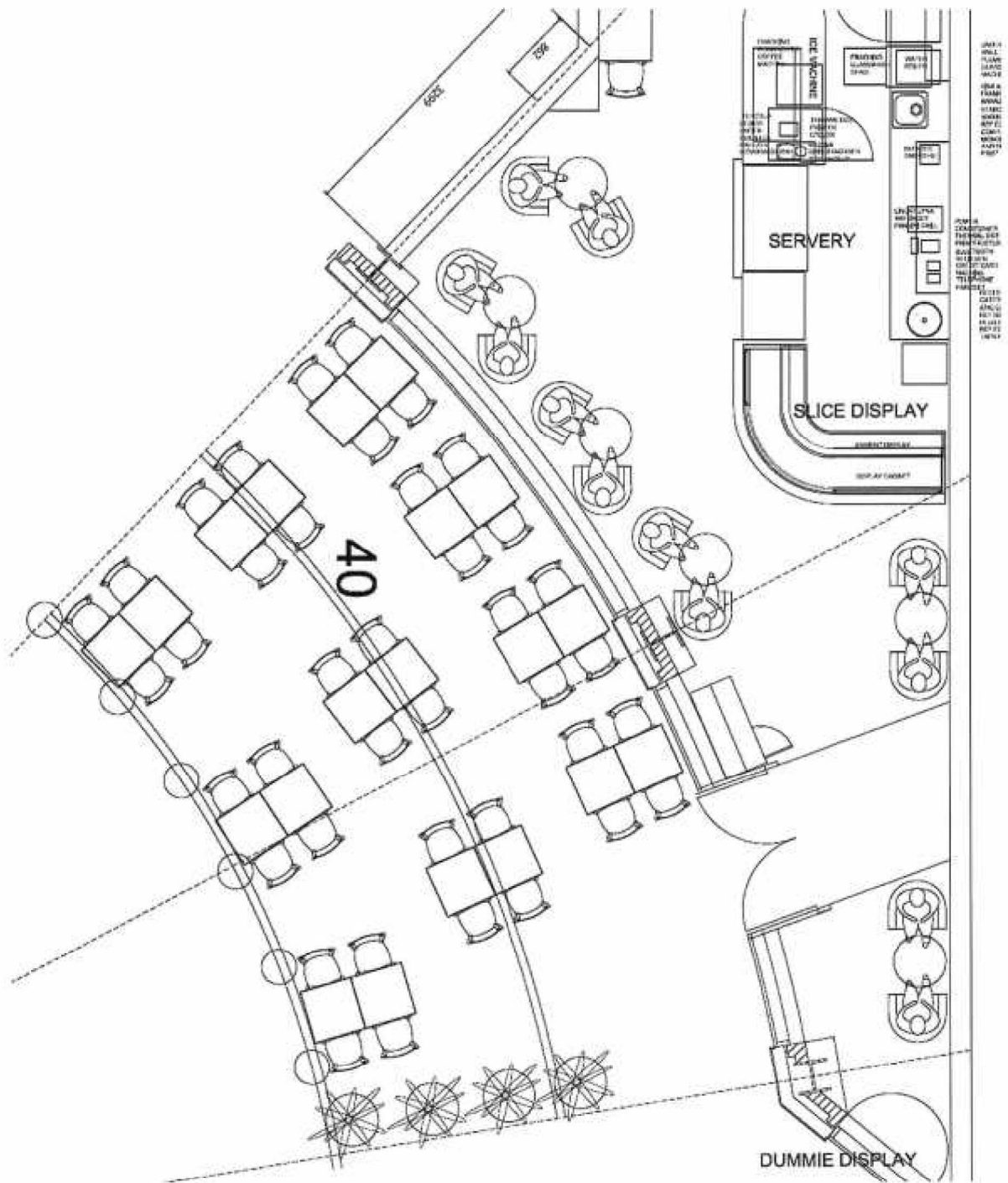
Submitted plan showing area applied for at The Old Frizzle



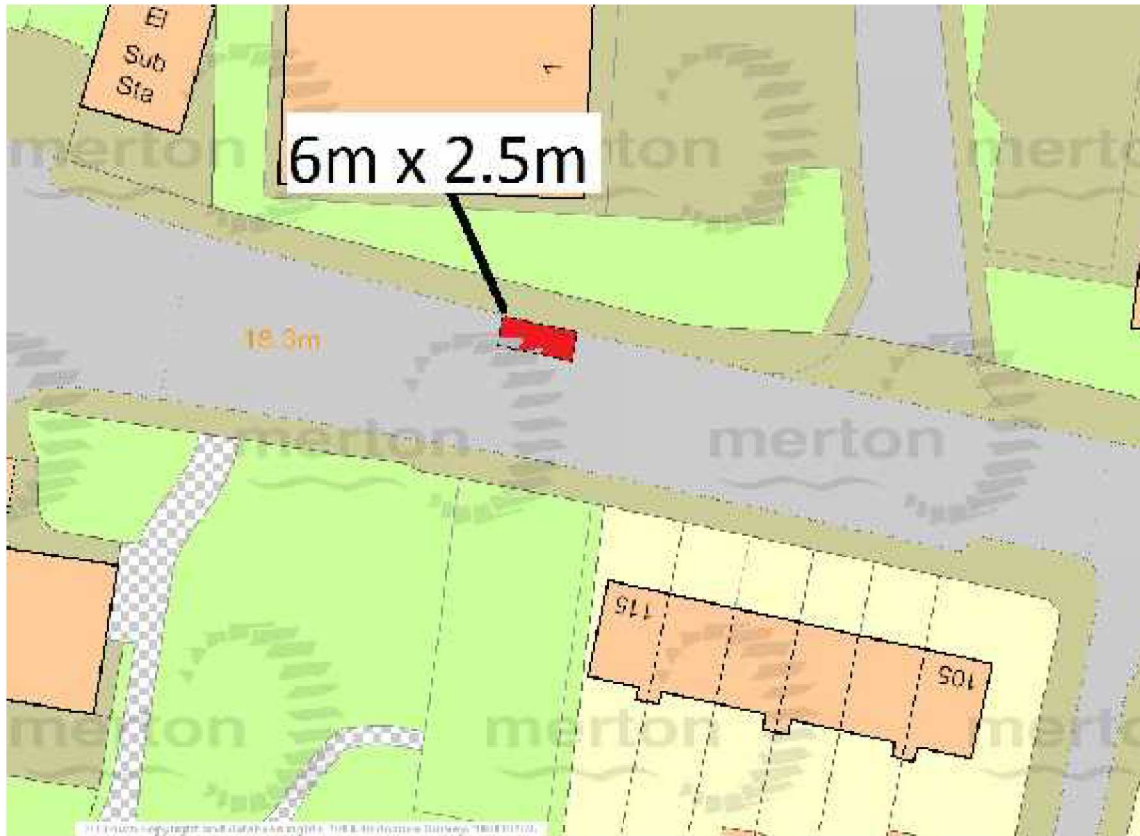
Patisserie Valarie Unit 6A The Piazza, The Broadway Wimbledon SW19 3TA



Patisserie Valerie submitted plan

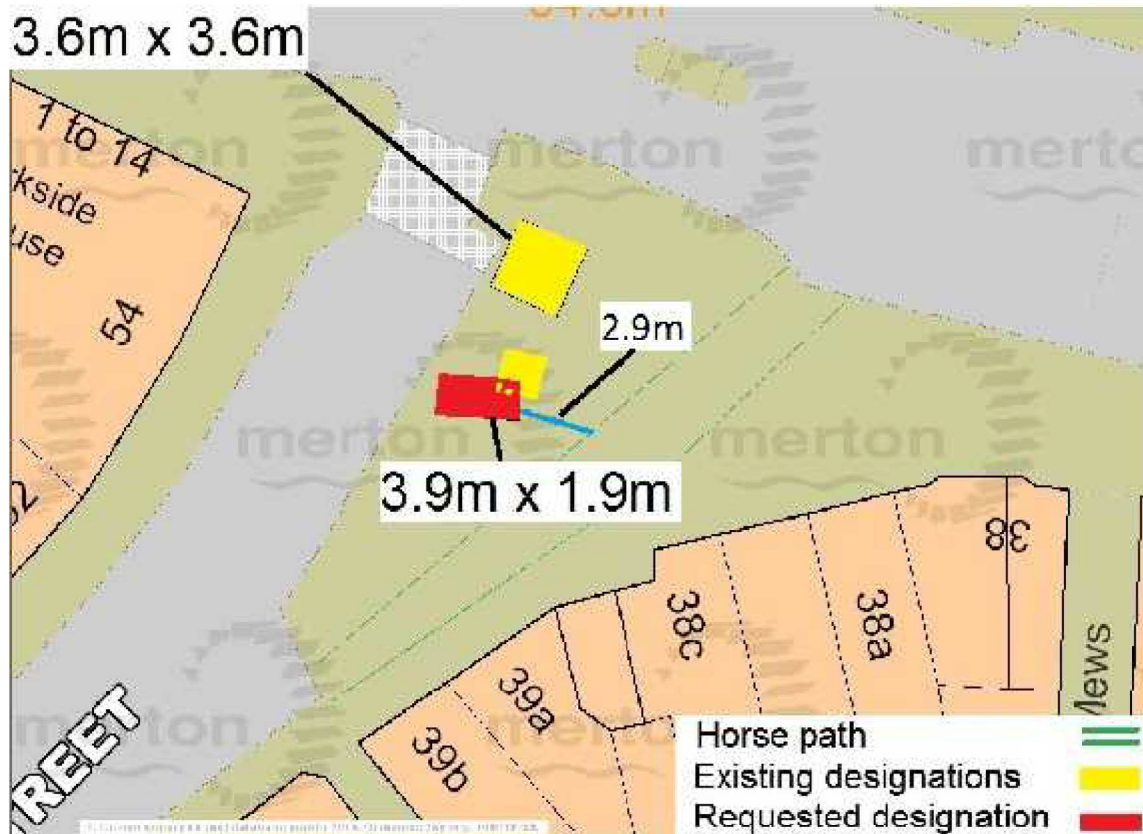


80 Morden Road



'Island Site'

3.6m x 3.6m



3.6m x 3.6m



Trader in-situ



With the horse path in use



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 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 2014 – 31ST March 2015

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 |
|--|--------|

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 E Representations

The Island Site Wimbledon Village

Email from Ward representative Cllr Bowcott

Dear David,

Thank you for calling me back yesterday. I think that there are two issues with the open space opposite the Rose and Crown. One seems to be that there is an existing yet small and unutilised trading pitch and the other is that it is an 'open space' at the entry point to the Village. I think that it is a shame that we should have considered the area as suitable for street trading at all but having done so we must be careful. Space can be important in itself and it doesn't have to be leased off to the detriment of an important local amenity. Space rather than clutter is what is needed here. The site is a 'gateway' and as tranquil as the A219 can be. It is adorned by a listed building and used by riders on horseback. Why would it need a pizza van?

Clearly I value the sense of space. I certainly deplore the idea of hot food sales anywhere on this site and believe that there is no hour of any day on which a mobile pizza van would be appropriate in this location. I am also confident that this is the view of a significant number of local residents.

Regards

Cllr John Bowcott

PARKSIDE RESIDENTS' ASSOCIATION

Burghley Road
Wimbledon
London SW19

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

10 November 2014

By Post and Email

Dear Sirs

**Designation Consultation/Street Trading Licence Issue Request
Dated 16 October 2014
Ref WK/201405612**

The membership area of this Association includes Marryat Road which adjoins Wimbledon High St and a number of other roads including Peek Crescent and Parkside Avenue which are in the vicinity of the High St. Our members take a keen interest in safeguarding the amenities of Wimbledon Village for the benefit of the local community.

The above application relates to a) the designation for street trading of an area 3.9m x 1.9m on the "Island Site" opposite 54 High St Wimbledon SW19 5AX and b) (if the designation is made) the issue of a street trading licence under S25 of the Act (as defined in the Consultation) which if granted would allow the placing of a pizza van on the designated site 10am-8pm Monday – Sunday inclusive.

We object to both the designation of the Site and the grant of the licence. Our reasons are:

1. The Island Site serves as a visual gateway from the Village to Wimbledon Common and from the Common into the Village. Part of the site, closest to the A219 and directly opposite The Rose & Crown has already been designated for street trading and is in use as a florists on a part time basis. The remainder, including the application area, is attractive open space with strategic planting and hard landscaping which is available for pedestrian use. As such it contributes to a sense of spaciousness appropriate to the Conservation Area status of the Village as a whole. There is also a path for the Village Stables' horses taking daily exercises to and from the Common whose presence adds to the overall amenity in the Village. We do not believe that any additional designation for trading is justified because this would only serve to clutter the open space, compromising the attractive views from the High Street to the Common beyond and from the Common into the Village, in particular Eagle House which is a Grade II* listed building. The horse path would also appear to be adversely affected.
2. There are already a large number of vacant retail units in the Village. Turnover of occupiers seems high with many businesses struggling to maintain a High Street presence. Another retail outlet is unnecessary and arguably would put more pressure on existing outlets struggling to attract custom.
3. If despite the above comments, the designation is granted, we do not believe that a pizza van (or any other takeaway food use) is appropriate. There is already a disproportionately high number of cafes and restaurants in the Village with opportunities to purchase food, hot or cold, to takeaway. There is no need for another such outlet.
4. A van selling pizza will encourage littering, not just in the vicinity of the van but also on the Common where collection of the volume of litter regularly left by visitors in the Rushmere area is already a considerable burden for the Commons authorities. There are flats in all the buildings surrounding the site and their amenities are likely to be affected by smells etc as the pizza is cooked. Vermin will also be attracted to litter containing food scraps and waste. This is unacceptable in a public open space.
5. Previous applications for the sale of food on this site have been refused. We can see no reason to depart from precedent.

Yours faithfully

Mrs S Cooke
Chairman

**Peek Crescent
Wimbledon
London SW19**

Trading Standards 11 November 2014
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey SM4 5DX

By Post and Email

Dear Sirs

**Designation Consultation/Street Trading Licence Issue Request
Dated 16 October 2014
Ref WK/201405612**

In relation to the above application my wife and I live at X Peek Crescent close to Wimbledon Village and the site of the above street trading request.

We object to both the designation of the site for street trading and the grant of the licence to a pizza van on the following grounds:

1. The site is one of the few open spaces remaining in Wimbledon Village and is critical to its attractiveness. Filling it fully with street trading on a permanent basis would fundamentally alter for the worse the nature of the Village
2. The current shops are already under significant economic pressure as evidenced by the number of vacant premises in the Village. The designation of further trading space would put them under increased and unnecessary pressure
3. If the Trading Licence is granted we do not believe any retail food trading should be allowed on the site on the basis of
 - a. hygiene (the site is adjacent to a designated horse track between the stables and Wimbledon Common)
 - b. Unfair competition with existing food retail outlets in the Village
 - c. Inconvenience to local residents – smell and litter
 - d. A total reversal of previous Council policy

Resident (details supplied)
Peek Crescent

**Lingfield Road
Wimbledon Village
SW19
13th November 2014**

**Trading Standards
London Borough of Merton**

Dear Sirs

**Trading Licence Issue Request
ref: WK/201405612**

- 1. Having been abroad, my wife and I have only just become aware of this application and that objections to it are required by today.**
- 2. We have therefore been unable to consult our neighbours here in Lingfield Road or to formulate a detailed objection.**
- 3. Nevertheless, we do object to this application, strongly.**
- 4. We support all the points made in the letter to you from the Chairman of Parkside Residents' Association.**
- 5. Point 1 in that letter is particularly relevant for those who, like us, live at the Common end of Lingfield Road. The High Street past the island site is our principal access to the village and Parkside, both on foot and by car. Already the site is littered with various paraphernalia, including the flower stall, street furniture and so forth, including the occasional addition of the pizza van.**
- 6. It is clear that that van already represents a significant escalation of that clutter, even on the presently permitted part-time basis.**
- 7. If the presence of the van was to be permitted in effect permanently it is inevitable that:**
 - (i) the sightline for traffic emerging from beside the van would be compromised;**
 - (ii) "creep" would be encouraged so that the van site would become a fixture, with tables and chairs, signs and associated clutter.**
- 8. The granting of a licence to sell alcohol at that site would add a whole extra dimension to the problem, and would effectively create an open-air street bar, with all of the problems attending that, not least for those who would have to pass by it, whether on foot or by car.**
- 9. The inevitable rowdiness, or even the simple agglomeration of additional people at the site would be likely to upset horses from Wimbledon Village stables as they pass by, usually four times a day, often with young, inexperienced riders so risking hazard to them and other street users.**
- 10. In summary, the granting of the proposed application would lead to further, and unnecessary, degradation of what was intended to be an attractive open space, the creation of a potential accident black spot, and the wholly unnecessary further proliferation of street food in the village.**

For these reasons my wife (who has seen and approved this letter) and I object to this application.

Yours truly

Name and details supplied.

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