

Licensing Committee

Tuesday 13 December 2011

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Sunil Chopra (Chair)	Councillor David Hubber
Councillor Linda Manchester (Vice-Chair)	Councillor Eliza Mann
Councillor Michael Bukola	Councillor Michael Mitchell
Councillor Robin Crookshank Hilton	Councillor Adele Morris
Councillor Dora Dixon-Fyle	Councillor the Right Revd Emmanuel Oyewole
Councillor Dan Garfield	Councillor Althea Smith
Councillor Norma Gibbes	Councillor Ian Wingfield
Councillor Renata Hamvas	

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: 5 December 2011



Licensing Committee

Tuesday 13 December 2011

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES FROM THE LICENSING COMMITTEE	1 - 3
	To approve as a correct record the minutes of the meeting held on 26 July 2011.	
6.	MINUTES FROM THE LICENSING SUB-COMMITTEES	

Item No.	Title	Page No.
	To agree as a correct record the minutes of the open sections of the meetings held on:	
	8 August 2011 31 August 2011 14 September 2011 25 October 2011 26 October 2011 14 November 2011 17 November 2011.	
7.	THE REVIEW OF THE EXTENSION OF PITCHES DESIGNATION OF NORTH CROSS ROAD	4 - 7
	To note the review of the extension of pitches designation of North Cross Road.	
8.	RESCISSION OR VARIATION OF LICENCE STREET DESIGNATIONS IN SOUTHWARK	8 - 14
	To resolve to rescind or vary the licence street designations detailed in Appendix 1 of the report.	
9.	POLICE AND SOCIAL RESPONSIBILITY ACT 2011	
	Verbal update on the Police and Social Responsibility Act 2011.	
10.	LIVE MUSIC BILL	
	Verbal update on the Live Music Bill.	
11.	DEPARTMENT FOR CULTURE, MEDIA AND SPORT LICENSING ACT 2003 DEREGULATION PROPOSALS	
	Verbal update on the Department for Culture, Media and Sport Licensing Act 2003 deregulation proposals.	
12.	CUMULATIVE IMPACT	
	Verbal update on cumulative impact in Southwark.	
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	
	EXCLUSION OF PRESS AND PUBLIC	

Item No.

Title

Page No.

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure Rules of the Constitution.”

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 5 December 2011

Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Tuesday 26 July 2011 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Linda Manchester (Vice-chair)
Councillor Michael Bukola
Councillor Dora Dixon-Fyle
Councillor Dan Garfield
Councillor Eliza Mann
Councillor Adele Morris
Councillor the Right Revd Emmanuel Oyewole
Councillor Ian Wingfield

OFFICER Richard Parkins, Health Safety Licensing & Environmental Protection Unit Manager
SUPPORT: John McHenry, Markets Development Manager
David Perry, Legal Officer
Sean Usher, Constitutional Team

1. APOLOGIES

Apologies for absence were received from Councillors Robin Crookshank Hilton, David Hubber, Renata Hamvas, Sunil Chopra, Michael Mitchell, Althea Smith and Norma Gibbes. In the absence of the chair, Councillor Linda Manchester presided at the meeting.

2. CONFIRMATION OF VOTING MEMBERS

The members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There was no late business.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the open minutes of the committee meeting held on 15 March 2011 be agreed as a correct record and signed by the vice-chair.

6. MINUTES FROM THE LICENSING SUB-COMMITTEES

That the minutes of the open sections of the meetings held on 21 March 2011, 28 March 2011, 18 April 2011, 27 April 2011, 9 May 2011, 12 May 2011, 25 May 2011, 6 June 2011, 27 June 2011, 4 July 2011 and 13 July 2011 be agreed as a correct record and signed by the vice-chair.

7. THE LICENSING ACT 2003 - THREE YEAR REVIEW OF STATEMENT OF LICENSING POLICY

Councillor the Right Revd Emmanuel Oyewole was not present in the room during the consideration or voting on this item.

The officer presented his report and highlighted the key changes in legislation that had led to this revised policy. Members had questions.

RESOLVED:

1. That the committee recommended the draft document at Appendix A to the report to council assembly for approval as the Southwark Statement of Licensing Policy for 2011-2014.
2. That the committee noted that a further report will be provided by officers on the impact of the licensing provisions contained within the current Police and Social Responsibility Bill, upon the council's policy statement, following the bill's progression through parliament.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - SOUTHWARK SEX ESTABLISHMENTS LICENSING POLICY

Councillor the Right Revd Emmanuel Oyewole was not present in the room during the consideration or voting on this item.

The officer presented his report. Members had questions.

RESOLVED:

That the licensing committee recommended council assembly adopt the draft Southwark sex establishments licensing policy at Appendix A to this report.

9. RESCISSION OR VARIATION OF LICENCE STREET DESIGNATIONS IN SOUTHWARK

The officer presented his report. Members had questions. Members asked that officers report back to a future committee on any illegal pitches and provide more information on any un-used pitches that had been omitted from Appendix 2.

RESOLVED:

That the committee resolved to publish notice of its intention to rescind or vary the licence street designations detailed in Appendix 2 of the report.

The meeting closed at 8.15pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 13 December 2011	Meeting Name: Licensing Committee
Report title:		The Review of the Extension of Pitches Designation of North Cross Road	
Ward(s) or groups affected:		Dulwich Community Council Area	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the committee notes the details of the review of the extension of pitches designation and experimental road closure.
2. That the committee notes that no further variation of the designation is required following the review.
3. That the committee supports the extension of the Saturday experimental road closure at the junction with Lordship Lane for a further period of 12 months, and then permanently if no further objections.
4. That the committee notes an application to extend parking restrictions on Saturdays to ensure no parking on pitches during market hours.

BACKGROUND INFORMATION

5. At the licencing committee meeting on 15 March 2011 the licencing committee resolved to vary the "licence street" designation of North Cross Road so as to:
 - Extend the number of pitches from 20 to 30 with effect from 1 May 2011.
 - Limit the number of pitches Monday to Thursday to ten.
 - Trading is not to commence before 9.00am on Saturday.
 - Support an application for an experimental road closure at the junction with Lordship Lane for a period of eighteen months from 1 May 2011 to allow pitches to trade each side of the road between Lordship Lane and Nuffield Road and to improve safety.
 - To review the arrangements after six months of operation.

KEY ISSUES FOR CONSIDERATION

6. The revised Saturday market has been in operation since the beginning of May 2011 and has been viewed as a success by traders, shoppers and the local community. There has been an average attendance of 25 stallholders over this period, with some Saturdays having a completely full market.

7. The variance of goods has ensured a good shopping experience, and there has been better management through an increased officer presence from 8.30am in the morning and again at closing down in the afternoon.
8. The experimental road closure order has proved a success and has assisted traders and shoppers in improving their enjoyment of the market. North Cross Road is closed Saturdays between 9.00am and 4.00pm at the junction of Lordship Lane to Nutfield Road. It can continue in place for a further period of 12 months, before a decision has to be made to remove or make closure permanent.
9. There has only been one recorded complainant from a business at the top end of Northcross Road, who has stated that the experimental road closure has affected his business. The complainant has been written to explaining the position of the road closure and the review taking place at this committee.
10. There has been no noticeable change in traffic flows on Nutfield Road since the road closure has been in place. A survey was undertaken to gauge traffic flow before and after the closure that shows that traffic flows remained more or less the same, with a small increase in car traffic post closure.
11. Report raised at Dulwich Community Council on 7 November, where recommendations were discussed and noted.

Resource implications

12. As stated in previous March report, the expansion of this existing market will generate an estimated additional £10,000 per annum for the street trading account. This extra income will help to reduce the street trading account current deficit.
13. It should be noted that the street trading account, which is a ring fenced account, has a cumulative deficit brought forward from previous years of £820,000 and is expected to decrease by around 25% by end of this financial year 2011/12. This is as a result of implementing a number of measures initiated by the business unit to put the trading account in a better financial footing.
14. By being ring fenced, the deficit has no immediate implications for the general fund. The council however, has an obligation to recover the deficit to ensure that there is no special burden on the general fund over time.

Benefits of the proposal

15. The creation of new street trading vacancies has contributed in achieving the objectives of Southwark's enterprise strategy by enhancing enterprise opportunities and at the same time assisting in the establishment, sustainability, growth and retention of business.
16. It has also improved the shopping offer to local shoppers, whilst encouraging local enterprise.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

17. Under Section 24(2) of the London Local Authorities Act 1990 (“the 1990 Act”) streets originally designated for street trading under the London County Council (General Powers) Act 1947 became “licence streets” for the purposes of the 1990 Act. This meant that they continued to be designated as areas where street trading could take place.
18. Section 24(1) of the 1990 Act allows the council to set out the terms on which a street is considered a “licence street”, i.e. which parts of the street can be used for street trading, what can be sold and when.
19. Section 24(1) of the 1990 Act also allows the council to pass a resolution varying the terms on which a street is designated as a “licence street”.
20. Whilst there is no statutory requirement to review “licence street” designations, the council does have a power to vary or rescind such designations if it considers it appropriate
21. In order to vary or rescind a designation the council must follow the procedure set out in Section 24, namely consulting with the police and existing licence holders, publishing a notice of intention in a locally circulating newspaper, notifying any highways authorities and obtaining any necessary highways consents. A failure to follow the correct procedure may invalidate the resolution.
22. The council must consider any representations it receives in response to the notice before deciding whether to make a resolution varying a designation. The resolution must state the date on which it will take effect. This implementation date must be at least one month from the date of the resolution.
23. Once the resolution has been made the council must publish a notice in a locally circulating newspaper in two consecutive weeks, with the first notice published at least 28 days before the implementation date.

Finance Director (NR/F&R/3/11/11)

24. This report recommends that the licensing committee notes:
 - The details of the review of the extension of pitches designation and the experimental road closure.
 - That there are no further variations of the designation required following the review.
 - An application to extend parking restrictions Fridays and Saturdays to ensure no parking on pitches during market hours
25. The report further recommends that the committee supports the extension of the Saturday experimental road closure at the junction with Lordship Lane for a further period of 12 months and then permanently if no further objections.
26. The finance director notes these changes will yield an estimated additional £10,000 per annum for the street trading account, which will help to reduce the

ring fenced street trading account current deficit per paragraph 11. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Minutes of Metropolitan Borough of Camberwell Works Committee, 10 December 1947	Local Studies Library.	Local Studies Library 020 7403 3507
Minutes of Dulwich Community Council 9 February 2011	160 Tooley Street, London SE1 2QH	Beverley Olamijulo 020 7525 7234
Map of Pitch extension locations	160 Tooley Street, London SE1 2QH	Sharon Coleman

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Leisure	
Report Author	Des Waters, Head of Public Realm	
Version	Final	
Dated	2 December 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional/ Team	2 December 2011	

Item No. 8.	Classification: Open	Date: 13 December 2011	Meeting Name: Licensing Committee
Report title:		Rescission or Variation of Licence Street Designations in Southwark	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the committee resolves to rescind or vary the licence street designations detailed in Appendix 1.

BACKGROUND INFORMATION

2. Since the London Local Authorities Act 1990 was adopted, a list of designated street trading areas (“licence streets”) has been in place throughout the borough.
3. Over the years the demographics of the borough has changed and certain pitches or markets became less viable or unworkable. Other locations have undergone extensive development and in some instances make it no longer practical for traders to operate from pitches or markets and it would not be viable for street trading in the future to occur in these areas.

KEY ISSUES FOR CONSIDERATION

4. The committee is advised that the pitches and markets in Appendix 1 have been operating either on a much reduced capacity or have been vacant for a number of years.
5. Section 24 of the London Local Authorities Act 1990 (as amended) states the procedures which must be followed and these are addressed in the concurrent from the strategic director of communities, law & governance.
6. The council published notice of it’s intention to rescind or vary these licence street designations on 4 August 2011 (Appendix 2), following agreement from licencing committee on 26 July 2011, and invited representations on the proposals.
7. One objection was received to the proposal from Bermondsey Antique Market and this has been taken into consideration through decreasing to 180 pitches rather than 150 in the original report. Letter and response are included in Appendix 3

Policy implications

8. The council may from time to time pass any of the following resolutions:

- a) A resolution designating any street within the borough as a licence street (a designating resolution).
 - b) A resolution specifying in relation to any such street or part of a street any class of articles which they will, or other than which they will not, prescribe in any street trading licence in respect of that street.
9. The council may also from time to time by subsequent resolution rescind or vary any such resolution.

Community impact statement

10. The Markets and Street Trading Strategy aims to ensure that markets are inclusive of all residents of the borough and meet all the criteria in the council's equalities policy. The de-designation of these pitches will have little impact on the community.

Resource implications

11. There are no immediate resource implications as these pitches have not been bringing in any income for some time.
12. The street market trading account is currently projected to break even for the financial year 2011/12. The cumulative deficit of £800,000 as at 31 March 2011, in the markets and street trading account remains of concern. By being ring fenced, the deficit has no immediate implications for the general fund. The council however, has an obligation to recover the deficit to ensure that there is no special burden on the general fund over time.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

13. Under Section 24 of the London Local Authorities Act 1990 ("the 1990 Act"), the Council can designate streets within Southwark where it considers it appropriate for licensed street trading to take place. These are known as 'licence streets', and the council may issue street trading licences for those streets, in accordance with the terms of the designation.
14. Section 24 also gives the council the power to rescind or vary any such designations. The procedure for rescinding or varying the designation of a street as a licence street is also set out in Section 24.
15. Before passing a resolution rescinding or varying a designation the council must consult with any affected licence holders or their representative body.
16. The council must also publish a notice of its intention to rescind or vary a designation in a locally circulating newspaper. The notice must contain a draft of the resolution and state that persons have 28 days from the publication of the notice to make representations in writing to the council.
17. Once the 28 day period has expired the council must consider any

representations received before it decides to pass the resolution.

18. If the council passes a resolution rescinding or varying a designation, within 28 days it must publish a notice stating that the resolution has been passed in a locally circulating newspaper for two consecutive weeks. The notice must be published at least 28 days before the resolution takes effect.
19. If the council fails to comply with the statutory procedure then the resolution may be invalid.
20. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, decisions relating to licensing matters cannot be the responsibility of an authority's executive. Under Part 3 of the council's constitution, decisions in relation to street trading are the responsibility of the licensing committee.

Finance Director

21. This de-designation and the future report on the new designations are part of the Markets and Street Trading strategy and action plan agreed by cabinet in September 2010.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
London Local Authorities Act (as amended)	Street Trading Section: SAST House, Dawes Street, London SE17 1EL	Sharon Coleman 0207 525 0861
Markets and Street Trading Strategy	160 Tooley Street, London SE1 2QH	John McHenry 020 7525 2105

APPENDICES

No.	Title
Appendix 1	List of markets and street trading pitches to be rescinded
Appendix 2	Notice advert for Southwark News to rescind de-designated areas
Appendix 3	Correspondence with Bermondsey Traders Association Chair

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Leisure	
Report Author	John McHenry, Markets Development Manager	
Version	Final	
Dated	2 December 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	2 December 2011	

Streets and Pitches to be De-designated

NO.	LOCATION	COMMODITIES	TRADING DAYS	NO. OF PITCHES	ACTION
	Westmoreland Road	General / Bric-A-Brac	Sun	61	De-designate Sunday trading at Westmoreland Road.
	Westmoreland Road	General / Bric-A-Brac	Mon – Sat	61	De-designate 55 pitches, leaving 6 at the junction of Walworth Road.
	Bermondsey Antiques Market	Antiques	Friday	261	Reduce designation from 261 to 180 pitches.
	East Street Market	General	Tue – Sun	244	Reduce designation from 244 pitches to 200.
	Tower Bridge Road	General	Mon – Sat	42	De-designate the market.
	Choumert Road	General	Mon – Sat	30	Reduce designation to 5 pitches.
	Bermondsey Street	Antiques	Friday	19	De-designate the market
	Horsley Street	Bric-A-Brac	Sunday	17	De-designate the market.
	Arnside Street	General	Mon – Sat	3	De-designate
	Dog Kennel Hill	Newsvendor	Mon – Sat	1	De-designate
	Mission Place	General	Mon – Sat	1	De-designate
	Joiner Street	General	Mon – Sat	1	De-designate
	Sumner Road	Newsvendor	Mon – Sun	1	De-designate
	The Triangle	General	Sat & Sun	1	De-designate
	Railway Approach	Newsvendor	Mon – Sat	1	De-designate

LONDON BOROUGH OF SOUTHWARK
LONDON LOCAL AUTHORITIES ACT 1990 (as amended)
DE-DESIGNATION OF MARKETS & STREET TRADING PITCHES IN SOUTHWARK

NOTICE IS HEREBY GIVEN that the ("the council") intend to rescind or vary the licence street designations detailed below.

Anyone wishing to object to the variations in designation should give written notice setting out the grounds of their objection no later than 8 September 2011. Objections are to be addressed to:

Mr John McHenry
 Markets Development Manager
 47-53 Dawes Street
 London
 SE17 1EL

LOCATION	COMMODITIES	TRADING DAYS	NO. OF PITCHES	ACTION
Westmoreland Road Market, London, SE17	General / Bric-A-Brac	Sun	61	De-designate Sunday trading at Westmoreland Road.
Westmoreland Road Market, London, SE17	General / Bric-A-Brac	Mon – Sat	61	De-designate 55 pitches, leaving 6 at the junction of Walworth Road.
Bermondsey Antiques Market, SE1	Antiques	Friday	261	Reduce designation from 261 to 150 pitches.
East Street Market, SE17	General	Tue – Sun	244	Reduce designation from 244 pitches to 200.
Tower Bridge Road, SE1	General	Mon – Sat	42	De-designate the market.
Choumert Road Market, SE15	General	Mon – Sat	30	Reduce designation to 5 pitches.
Bermondsey Street, SE1	Antiques	Friday	19	De-designate the market
Horsley Street, SE1	Bric-A-Brac	Sunday	17	De-designate the market.
Arnside Street, SE17	General	Mon – Sat	3	De-designate
Dog Kennel Hill, SE22	Newsvendor	Mon – Sat	1	De-designate
Mission Place, SE1	General	Mon – Sat	1	De-designate
Joiner Street, SE1	General	Mon – Sat	1	De-designate
Sumner Road, SE15	Newsvendor	Mon – Sun	1	De-designate
The Triangle, SE15	General	Sat & Sun	1	De-designate
Railway Approach, SE1	Newsvendor	Mon – Sat	1	De-designate

APPENDIX 3**RE: MARKET TRADING PITCHES IN SOUTHWARK**

The Committee see no reason why this proposal to limit stall numbers to 150 should go ahead.

It is obvious that at present Southwark does not need to exercise its right to use the whole of the area for trading – but this will change if all our concerted efforts come to fruition.

We estimate that currently about 20% of the area is regularly used by the local businesses, so much so that they now regard it as a right and not a concession. As Chairman I have personally had to remonstrate with hotel Managers about the extent their furniture intrudes on to the Square on Friday mornings. The sight line into the Square from Abbey St is the only view of the Market which the public have. It cannot have been Southwark's intention to advertise local businesses at the expense of their own Market.

The antiques trade is, by its very nature, a luxury trade. The current world recession is affecting us, but it will be of no benefit to Southwark's future finances to cut down the possibility of growth.

At a time when there are serious efforts being made by traders and others, not least Market Management to increase both footfall and stall holders, it seems unwise and short-sighted to make any limit on stall capacity. Indeed it seems an open invitation to the local businesses to continue using the space for their own purposes. Who will personally confront them and demand back the use of that 20%, as and when it is needed and which is legally ours? We feel unspecified stall numbers would be a better approach to the affair. Then, when situations change, Market Management would be at liberty to control the matter in every way, from the siting of stalls to the numbers.

B.A.M.T.A
CHAIRMAN
17th August 2011

FOR INFORMATION ONLY

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