

LICENSING SUB-COMMITTEE

TUESDAY 4 MAY 2021

(9:45 - 11:25 am)

Councillor Hilary Gander
Councillor Malcolm Self
Councillor Olly Wehring (Chair)

1. APPOINTMENT OF CHAIR

Proposed by Councillor Gander, seconded by Councillor Self and

Resolved, that Councillor Wehring be elected 'Chair' for the duration of the meeting.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. ZONCO LTD, TRADING AS FEALS CATERING - APPLICATION FOR STREET TRADING LICENCE - FOOTPATH AT JUNCTION OF WOOD STREET AND SKERNE ROAD, KINGSTON UPON THAMES Appendix A

The Licensing Officer introduced the matter for determination and confirmed that the application was made on 25 February 2021 by Mr Mehran Zonouzi and sought a Temporary Street Trading Licence, under the London Local Authorities Act 1990 (as amended), valid for a period of 6 months, to permit the trade of hot and cold food from a pitch on the footpath at the junction of Wood Street and Skerne Road, Kingston upon Thames, Monday to Saturday from 10:00 hours to 17:00 hours.

The Licensing Officer explained that the Council had given 28 days notice of the application by way of a public notice at the site and with the application also being made available on the Council's web site. In accordance with the Council's Street Trading Policy, a copy of the application was made available to all statutory consultees, including the Council's Highways, Planning, and Noise Pollution departments, the Council's Equalities Officer, and the Metropolitan Police. The Highways Department and the Equalities Officer had objected to the application. Three further objections had been received from other organisations.

Mehran Zonouzi, along with his son, Mr A Zonouzi, presented the details of the application and sought to address concerns raised by the objectors and, in summary, the Sub-Committee noted the applicant's contention that the footpath area was significantly wide enough to accommodate the proposed pitch and trading motor vehicle without detrimentally impacting on other usage of the footpath, and that the adjoining highway and the existing advertising hoarding panels would also be unaffected; that traffic cones would be used to ensure the motor vehicle would not unsatisfactorily affect other footpath users and especially either disabled or visually impaired persons; that the operation of the business would improve competition and customer choice and not adversely affect businesses within Bentalls or other town centre premises; that social distancing queuing requirements could be undertaken without problems; that appropriate waste collection would be arranged in respect of

the trade proposed; and that easy access and exit arrangements were available for the motor vehicle to reach the pitch site.

The applicant responded to questions from the Sub-Committee on the matters referred to above.

The Sub-Committee also heard representations from Younes Hamade, a highways officer employed by the Council. Mr Hamade confirmed his previously submitted written comments that in his professional opinion the proposed pitch location in a shared use area was not large enough to also accommodate the number of pedestrians and cyclists, without interference and inconvenience to them and their route, and that the pitch would block an existing advertising panel resulting in the Council potentially being charged for loss of revenue as a result of such obstruction; that the vehicle carrying out the trade would be an obstruction on the highways; and that disabled and visually impaired persons would be disadvantaged by the location of the motor vehicle.

The Sub-Committee also heard the views of other objectors, namely Gemma Davis (First Plan representing Bentalls) and Dave Garnham (Bentalls) who confirmed their written submissions objecting to the proposed licence on the grounds of impact on amenity, with the proposed motor vehicle carrying out the trade being uncomplementary to the high end retail offer at Bentalls and the suggested use of toilets within the Bentalls Centre for patrons of the Temporary Street Licence trader during the Covid pandemic posing a risk to Bentalls' staff and customers; and also on highway safety and town centre image grounds.

The parties responded to questions from the Sub-Committee on the matters referred to above.

In making their decision, the Licensing Sub-Committee considered the merits of the application and had regard to the Council's Street Trading Policy and complied with the London Local Authorities Act 1990 (as amended). The Licensing Sub-Committee, after taking account of all relevant issues that had been raised in the application and by the written and verbal representations, decided to **refuse** the application from Mehran Zonouzi for a Temporary Street Trading Licence, under section 31 of the London Local Authorities Act 1990 (as amended), valid for a period of 6 months, to permit the trade of hot and cold food from a pitch on the footpath at the junction of Wood Street and Skerne Road, Kingston upon Thames, Monday to Saturday from 10:00 hours to 17:00 hours.

The Licensing Sub-Committee may if they think fit grant a Temporary Street Trading Licence under section 31 of the London Local Authorities Act 1990 (as amended). The Licensing Sub-Committee considered that the proposed pitch, and the motor vehicle that it was proposed would carry out the trade, would have an unacceptable impact in terms of the potential conflict that would arise with users of the shared cycling / pedestrian footpath in this location and with regard to the anticipated growth in numbers of people using this route in future to access the town centre, the station, or the Skerne Road area and other parts of and from North Kingston. The shared cycling / pedestrian footpath in this location was constructed without anticipating vehicle use or the siting of a vehicle in this shared cycling / pedestrian area.

The Licensing Sub-Committee considered that the applicant had not been able to demonstrate that he would be in a position to address these concerns.

However, whilst refusing this particular application for a Temporary Street Trading Licence, the Licensing Sub-Committee wished to emphasise to the applicant the willingness of the Council to work with him to help identify any other potentially suitable site in the Borough for an application of this kind.

Resolved, that the application be refused for a Temporary Street Trading Licence, under the London Local Authorities Act 1990 (as amended), valid for a period of 6 months, to permit the trade of hot and cold food from a pitch on the footpath at the junction of Wood Street and Skerne Road, Kingston upon Thames, Monday to Saturday from 10:00 hours to 17:00 hours.

4. URGENT ITEMS AUTHORISED BY THE CHAIR

There were no urgent items.

5. EXCLUSION OF THE PRESS AND PUBLIC

The exclusion of press and public was not required.

Signed.....Date.....
Chair