

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 5 APRIL 2011 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Trevor Carbin (Substitute), Cllr Bill Douglas (Substitute), Cllr Jose Green, Cllr George Jeans, Cllr Pip Ridout (Substitute), Cllr Bill Roberts and Cllr Jonathon Seed

Also Present:

Sgt Allan George (Wiltshire Police), Rob Draper (Licensing Manager East and South), John Carter (Head of Environmental Protection and Licensing), Kate Golledge (Licensing Manager North and West), Alissa Davies (Wiltshire Council National Management Trainee, Licensing), Anna Thurman (Democratic Services Officer and Chris Marsh (Democratic Services Officer)

9. Apologies

Apologies were received from Cllr Peggy Dow, substituted by Cllr Bill Douglas; Cllr Jon Hubbard, substituted by Cllr Trevor Carbin; Cllr Rod Eaton, substituted by Cllr Pip Ridout; Cllr Bill Moss; Cllr Nina Phillips and Cllr Mark Griffiths.

In the absence of the Chairman and Vice-Chairman of the Committee, the Democratic Services Officer sought nominations for a temporary Chairman for the duration of the meeting.

It was,

Resolved:

To elect Councillor Jonathon Seed as Chairman for this meeting only.

Cllr Jonathon Seed in the Chair.

10. Minutes

The minutes of the Licensing Committee meeting held 17 January 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

11. **Chairman's Announcements**

There were no Chairman's announcements.

12. **Declarations of Interest**

The following Members declared personal interests in Item 8 of the agenda (Consultation Responses to Proposed Street Trading Scheme) owing to their collective and various involvements in local trusts across Wiltshire that may be affected by the implementation of the Scheme in question:

Cllr Jonathon Seed, Cllr Bill Roberts, Cllr Jose Green, Cllr Richard Beattie, Cllr Trevor Carbin, Cllr Pip Ridout, Cllr George Jeans, Cllr Desna Allen and Cllr Bill Douglas.

It was deemed that these personal interests would not also constitute prejudicial interests and that the item would proceed as usual.

13. **Public Participation**

The Chairman briefed members of the Committee and public present on the rules on public participation.

14. **Minutes of the Licensing Sub Committees**

The minutes of the Western Area Licensing Sub Committee held 6 January 2011 and 24 February 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

The minutes of the Southern Area Licensing Sub Committee held 6 January 2011 and 1 February 2011 were presented and it was,

Resolved:

To approve and sign the minutes as a correct record.

15. **Improving Communications Between Town Centre Licensed Premises**

The Committee received a presentation from Sgt Allan George of Wiltshire Police regarding the purchase and implementation of ICOM radio systems for premises door staff in Chippenham.

The benefits of the scheme were identified as follows:

- Outright purchase of radios, with licence warranty but no maintenance contract cost, with scheme funded through Performance Award Grant paid to Wiltshire Police;
- System enables immediate real-time communications between door staff in Chippenham;
- System is linked in to CCTV operatives and Wiltshire Police, enabling them to track and provide backup for incidents respectively;
- Provision of reserve radios for occasional high-profile events hosted by premises beyond the 'core' group with own radios;
- Radios can be used to full capacity during seasonal periods of known peaks in disruptive behaviour;
- Links between short-term monitoring and wider PubWatch scheme;
- Shortcomings in transmission range (usually <2 miles) of radios backed up by existing Tetra radios with national range used by Police; and
- System offers a preventative, cost-effective and proactive rather than reactive tool in combating public disorder in Chippenham.

Members asked questions of Sgt George and relayed their support for the scheme.

16. **Consultation Responses to Proposed Street Trading Scheme**

The Committee received an introduction to the report from Alissa Davies, Wiltshire Council National Management Trainee, Licensing, outlining the main issues raised by public consultation on a proposed council-wide Street Trading Scheme.

Having received a high level of response to the public consultation, the key issues raised were as follows:

- The scope of the scheme's application, including the type of trading and the inclusion of private land;

- Perceived bureaucracy and length of time it would take to determine applications; and
- Levels of fees for prospective Street Trading Consent holders.

Additional issues were identified as follows:

- Overlap with the functions of the Department for Neighbourhood and Planning – for example Highways and Planning and
- The council's position on competition between street traders and fixed business premises.

The Committee considered and discussed the report in detail, and it was,

Resolved:

To accept the proposed measures to overcome the issues raised by public consultation, subject to the following amendments prior to a second, shorter public consultation on the revised street trading scheme:

- (i) **Options at paragraph 6.2 of the report to be accepted with the following amendments:**
 - **Pt 1 to read '*... within 10 metres of any road, car park or industrial estate with the word 'street' removed from the sentence***
 - **Pt 3 to read '*non-commercial, community or charitable events where the profits are wholly passed to a charity or political/educational organisation or otherwise not for private gain.***
 - **Pt 5 to read '*goods from working farms or smallholdings sold at the premises...***
- (ii) **Paragraph 7.7 of the report to be accepted pending amendment to read '*The Council should not have a role in controlling competition between street traders and fixed business premises if street traders are paying street trading fees to the council.*' Amendment of Appendix 1 (page 62) to remove the criteria '*Needs of the area...*'**
- (iii) **To retain the exemptions listed in paragraph 3.3 of the report, pending amendment of pt 3 to read '*...within 200m of a school or college*'. Amendment of Appendix 2, pt 10 of the report to read '*No Street Trading Consents will be granted for trading at locations within a 200 metre walk using the public highway of a school or***

sixth form college, unless otherwise agreed in writing by Wiltshire Council.'

- (iv) **Appendix 1, paragraph 4, pt 1 of the draft scheme to be amended to read '*... except where those premises are occupied by the person holding the Street Trading Consent, unless otherwise agreed in writing by Wiltshire Council.'***
- (v) **Proposed fee structure to be accepted, with 'Town Centre' areas to be defined as those within the boundaries of Town Councils, and those areas to be subject to the higher rate of fees. The lower fee rate will therefore apply to all areas outside Town Council boundaries, unless agreed otherwise in writing by Wiltshire Council. Officers to prepare a list of Town Councils to be considered at the next meeting of the Licensing Committee.**
- (vi) **Town and Parish Council markets to be exempt from the Street Trading Scheme, although they may choose to follow the Wiltshire Council fee structure.**
- (vii) **Appendix 2 of the draft scheme (page 78) to be amended so that '*Daily Street Trading Consent – Sunday to Friday*' represents a fee of £30 a day for Town Centre Traders and '*Daily Street Trading Consent*' represents a fee of £15 a day for All Other Traders, and that '*Town Centre Traders*' be amended to read '*Town Traders*' in line with point (v) above.**
- (viii) **That the timescales for processing applications be set at 60 days from start to finish, with a 30-day public consultation. This will sit broadly in line with the processing targets for planning applications.**
- (ix) **To accept paragraph 6.4 of the report pending amendment to read '*to revise the scheme to reduce the number of Standard Conditions for all street traders to avoid duplication of existing legislation*'**
- (x) **To accept paragraph 6.6, pending amendment to read '*to replace detailed references to additional legal requirements with a sentence reminding traders that all other legal requirements must be met. Applications for other legal requirements may incur an additional cost to the street trader.*'**
- (xi) **To accept paragraph 6.10 of the report, pending amendment to read: '*to allow street traders to pay fees in instalments and issue a refund of part or all of the street trading fee where a trader has paid business rates. The refund will be based on the amount of business rates paid, not the rateable value of the business.*'**

Subject to the recommendations above, it was,

Resolved:

To consider details of the revised Street Trading Scheme and results of the second public consultation before recommending the Scheme for adoption by full Council on 8 November 2011.

17. **Urgent Items**

The Chairman agreed that the Committee consider the following items.

(i) Touch2id

The Chairman introduced a request from Cllr Mark Griffiths to consider the implementation of the Touch2id proof-of-age identification system in licensed premises across Wiltshire. The Committee considered the request and it was,

Resolved:

To consider the matter at the next meeting of the Licensing Committee.

(ii) Consideration of Final Street Trading Scheme

The Chairman outlined the need to schedule a meeting of the Licensing Committee following the amendments to and final consultation on the proposed street trading scheme considered at item 8. As the meeting must take place prior to the Autumn meeting of full Council, at which the final scheme should be formally adopted, it was,

Resolved:

To schedule a meeting of the Licensing Committee for Wednesday 7 September 2011 to consider the final proposed Street Trading Scheme.

(iii) Licensing Sub-Committee Site Visits

Cllr Allen raised a point regarding a request received from an interested party at a recent Licensing Sub-Committee that the panel members undertake a site visit in order to fully understand the implications of the application. Upon discussion by the Committee, it was,

Resolved:

To delegate to licensing officers to investigate the issue and report back to the next meeting of the Licensing Committee on the potential to implement suitable guidelines on this issue.

(Duration of meeting: 10.30 am - 12.40 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic & Members' Services, direct line 01225 713058, e-mail chris.marsh@wiltshire.gov.uk

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