

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 11TH SEPTEMBER 2017, AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), M. T. Buxton, R. J. Deeming (substituting for Councillor M. A. Sherrey), L. J. Turner, C. M. McDonald (during Minute No's part of 14/17 to 16/17), S. R. Peters, S. P. Shannon and S. A. Webb

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

11/17 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors C. J. Spencer, M. Glass, H. J. Jones and M. A. Sherrey. The Committee were advised that Councillor R. J. Deeming was in attendance as the substitute Member for Councillor M. A. Sherrey.

12/17 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13/17 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 12th June 2017 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held on 12th June 2017, be approved as a correct record.

14/17 **STREET TRADING - DESIGNATION OF STREETS (RESPONSE TO THE PROPOSAL)**

The Committee considered a report on the responses received following the recent advertisement of the proposal to designate all streets in the District as consent streets for the purposes of controlling street trading. Appendix 1 to the report, detailed those streets designated as 'prohibited' and 'consented' streets.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so reminded the Committee that, following on from the Licensing Committee meeting held on 12th June 2017, Members had approved the advertisement of the proposal to designate all streets in the District as consent streets for the purposes of controlling street trading.

The rationale behind this proposed change would be to allow every application to be considered on its own merits and would enable street trading to be permitted in what were currently deemed 'prohibited' streets. For example, it would enable short term community events or other similar events to street trade, which would enhance and provide a benefit to the wider community.

The Senior Licensing Practitioner, WRS, drew Members' attention to paragraph 3.13 in the report, which detailed the legal procedure to be followed under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The required public notice was published in the local newspaper on 21st June 2017, with a copy of the notice being served on the Chief Officer of Police and the Highway Authority, Worcestershire County Council. The notices detailed that any representations on the proposal to pass the draft resolution, to designate all streets in the District as consent streets, had to be received by Worcestershire Regulatory Services by 31st July 2017.

The Senior Licensing Practitioner, WRS, highlighted to the Committee that no representations were received.

The Senior Licensing Practitioner, WRS, responded to the concerns raised by Councillor C. M. McDonald with regard to the potential costs and in doing so reiterated that as detailed in the report; the costs associated with publishing the required notices was met from existing budgets held by Worcestershire Regulatory Services.

The Senior Licensing Practitioner, WRS, responded to further questions from Councillor C. M. McDonald and in doing so informed the Committee that it was considered best practice for the Council to review its policies on a regular basis.

Members were further informed that should a Street Trading Consent application be refused, the fees were refunded to those applicants.

Councillor C. M. McDonald requested that it be recorded that she had voted against the recommendations.

RECOMMENDED:

- a) that Bromsgrove District Council resolves to rescind all existing all existing designations of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and designates all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017"; and

- b) that officers be authorised to advertise the passing of the resolution in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

15/17

DRAFT REVISED STREET TRADING POLICY (RESULTS OF THE CONSULTATION)

Following on from the Licensing Committee meeting held on 13th March 2017, the Committee was asked to consider a report on the responses received to the consultation exercise carried out on the revised Street Trading Policy, as detailed at Appendix 2 to the report.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing drew Members' attention paragraph 3.9 in the report, which detailed who the consultation document and draft revised policy was forwarded to as part of the consultation exercise.

Paragraph 3.10 in the report detailed the organisations that had responded to the consultation, those that had expressed their support for the draft revised policy document and those who had indicated that they did not have any comments to make. The only substantive response received to the consultation was from Worcestershire Trading Standards, as detailed at Appendix 2 to the report.

The Senior Licensing Practitioner, WRS, highlighted that following the response received from Worcestershire Trading Standards a number of small amendments had been made to the draft revised policy document. In order for those small amendments to be easily identified by the Committee, the amendments were shown in bold, italicised text in the draft revised policy, as detailed at Appendix 3 to the report.

The Senior Licensing Practitioner, WRS, responded to questions from Members and clarified that, trading at or adjoining a shop if it formed part of the business of the owner or the occupier of the premises and took place during the period when the premises were open to the public for business, was not classed as Street Trading. For example a green grocer or shoe shop displaying goods outside of their premises, but within the parameter of their shop.

Councillor C. M. McDonald requested that it be recorded that she had voted against the recommendations.

RESOLVED:

- (a) that the responses received to the revised draft Street Trading policy consultation be noted; and**
- (b) that the revised Street Trading Policy, as detailed as Appendix 3 to the report, be adopted as from 1st December 2017.**

16/17

LICENSING COMMITTEE WORK PROGRAMME 2017/2018

The Committee considered the Licensing Committee Work Programme for 2017/2018.

RESOLVED that the Licensing Committee Work Programme 2017/2018 be noted.

The meeting closed at 6.20 p.m.

Chairman