

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday, 9th March 2016 at 9.30am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Christine Ambrose Smith
Councillor Sue Austen
Councillor Mike Bradley
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Carol Sennitt
Councillor Alan Sharp

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager
Adrian Scaites-Stokes –Democratic Services Officer

47. **APOLOGIES**

Apologies were received from Councillors Chris Morris and Mike Rouse.

48. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

49. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 20th January 2016 be confirmed as a correct record and be signed by the Chairman.

50. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman, on behalf of the Licensing Committee, noted the recent passing of Mr J Skipper of A10 Taxis. He had been a large character and had taken an active role with the Licensing Department, keeping them on their toes. He would be sorely missed by all those in the trade.

51. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 ("1982 ACT") – STREET TRADING POLICY**

The Committee considered a report, Q212 previously circulated, that sought approval of the revised version of the Council's street trading policy.

The Senior Licensing Officer asked the Committee to consider the revised version of the policy. Back in November, the Committee had approved the notice relating to the re-designation of streets for street trading purposes. Consultation had been conducted during January. No official responses had been received, although a few enquiries for clarification had been made in reference to the possible reduction in fees. As a result, an amendment to the policy, as detailed under paragraph 6.3 of that policy in Appendix 1, was proposed for inclusion to clarify the situation over offering a reduced fee. Other minor incidental amendments had been made to clear the policy up, though these did not materially affect the overall policy consulted on. The requirement to provide written proof from private landowners had been removed, as had the requirement to identify the location of other street traders. The Town Centres Manager had been added to the list of consultees. The amendments would not prejudice anyone applying for a street trading licence.

The Committee was asked to consider two options, as set out in paragraphs 2.1 i) and ii) of the report. This would be to either adopt the policy as consulted upon or to adopt the revised policy, as set out in Appendix 1.

Councillor Neil Hitchin queried the map included in the report, as it appeared to serve no purpose. Although the idea for its inclusion was understood there were areas included, such as the water meadows, where there would be no call for street trading. It was acknowledged that the policy was all about managing street trading but there was a question on where the boundary for Ely was drawn. The boundary included part of the A142 where lorries queued to cross the railway line. If someone asked to set up street trading just outside the proposed boundary they would pay a lower rate than someone just 15 feet away. The Committee was being asked to agree to something that was not well defined. Another issue related to the "money raised by traders". What were the parameters for this in deciding whether to charge them as a trader or as part of a charity?

The Senior Licensing Officer reminded the Committee that it had discussed the use of a map at its November meeting. It tied in with the fee charging regime. Traders within the boundary (the circle on the map) would be charged the Ely central rate, whereas those outside the boundary would be considered as being rural. The hope was that this discrepancy in rates would encourage street trading outside Ely, as the policy was district-wide. If people wished to trade in Ely then they should pay a premium. The boundary, which should help disperse trade throughout the district, had been used rather than list all the relevant streets to provide some future-proofing, for example, if a housing development took place within the boundary. This would mean that any changes in the area would not have to be specifically reflected in the policy but would be covered.

'Streets' were so defined as to include fields, meadows or car parks. Trying to deliver street trading in some areas would be very difficult. The map was basic in its scope but did its job in setting out the area covered and helped give an indication of control. It included areas that would never be used but other areas could be developed.

A policy was still needed to help deal with applicants. This could have charged the same rate for everybody in the district but this would have resulted in everyone congregating in the same area, so the policy designated areas differently. The consultation exercise allowed the public and parish councils to make comments on the policy, but none had been received.

The Committee was asked to consider the amendments and was informed that if it decided it wanted a different plan then this would have to be brought back later. No objections to the policy or queries about the map had been received. The policy was not just for sole traders but would cover non-commercial events where there were multiple stall holders. Essentially, if a person promoting an event was charging money for stalls and the proceeds from those charges went to them personally (private gain) then they would be liable to the commercial charge. If the money raised was used for purposes other than private gain, i.e. charitable purposes, the lower non-commercial fee would be charged. In either case, the money earned by the stallholders would not be considered.

Councillor Mike Bradley questioned when trading was not classified as street trading and wondered whether this could occur on private land. The charge of £20 was a lot for charitable events, as there were a lot of small events which did not generate a lot of money. Would it be possible to have a zero charge on those occasions?

The Committee was informed that the policy covered all areas open to the public that did not require an entry fee. If an entry payment was made then this was not categorised as street trading. If there was no entry charge then it would be caught under the policy for a charge and this could include charitable events. If the event was inside private land then it would not be included but would if it spilled out into public areas.

The application process for street trading was just for notification. The fees charged were similar to other fee charges and was based on the cost of processing the application. In the first few months of the new policy being implemented people would not be aware of the changes, so the Licensing Department would help educate them. The policy tweaked the existing policy in an attempt to make it fairer and better for all events, though it might capture people it had not before.

The Senior Licensing Officer noted that the Council only found out about some events through the Safety Advisory Group, unless otherwise notified. The fees in the policy would allow event organisers to build in those charges into their costs. The Licensing Department did not want to alienate people, particularly if they had already arranged events.

Councillor Neil Hitchin thought the proposed policy was a fundamental change and turned the district into a 'shopping mall'. The Senior Licensing Officer reminded the Committee that the mechanism for re-designating streets had been explained back in November and that the existing policy restricted trade. The previous report had lifted those restrictions and had provided better control

for the Council. If that control was not in place then the situation would become a 'free-for-all'. A number of other local authorities also had this in place so they could control what came into their areas. The process for re-designating streets had already been approved and could not be amended at this point. Now the Committee had to consider the policy to provide sufficient governance of what it could do. Any issues with the policy would be brought back to a future Committee meeting for discussion.

Councillor Elaine Griffin-Singh thought that, in the broader picture, it would aid the Council being made aware of events and would therefore assist in making them safer. It was understood that local authorities needed this control but needed a 'soft touch' where village fetes and the like were caught. The £20 fee could be a problem for some.

Councillor Mike Bradley supported the principle behind the policy. Street trading was in essence open space trading but wondered whether someone trading in a lay-by or car park would be covered. The change in the policy would mean that more people would be caught by it.

The Senior Licensing Officer thought this was simply decided, because if someone paid for access to an event then that event was not street trading. The fee set at £20 was to help fill the deficit that the Licensing service currently operated under. Having no fees could mean that the department would be flooded with applications and would do a lot of work for no fee, making the deficit worse. The Licensing Department had been instructed to make itself cost neutral as soon as possible, as a Council priority. The pricing structure it used was reviewed on an annual basis. If the fees were found to be unfair, or the policy intentions problematic, then the process could be started again. The effect of the new policy would be reported back to the Committee and the policy amended if needed. To help new applicants, the guidance notes available would be made clearer and better information would be made available on the Council's website.

The Committee then considered recommendation 2 i) from the report and, upon being put to the vote, it was declared rejected. Then 2 ii) was considered and, upon being put to the vote, it was declared carried.

It was resolved:

That the draft street trading policy to include the suggested amendments shown as tracked changes in Appendix 1 in their entirety or in part to come into effect from 1 April 2016 be adopted.

52. **LICENSING OFFICERS UPDATE**

The Committee considered a report, Q213 previously circulated, which updated the Licensing Committee on the work of officers.

The Senior Licensing Officer advised the Committee that the new compliance scheme had gone live on 1st February and had been working really well. Some

vehicles had their licences suspended as they had not passed the test and were considered unroadworthy. In the past these vehicles would have still operated, but now the vehicles had been mended and the drivers were now happy. The new Driver and Vehicle Standards Agency licence system was working well with around a 10 minute wait for processing, rather than 2 weeks previously. 80 taxi licence holders were now receiving newsletters and notifications via email, with information also being posted to the Council's website.

A new Order for lotteries had been issued by the Government, which would come into effect on 1st April 2016. It was explained that this Order created a few changes to the exempt lottery rules, but the main changes from this date would be that non-commercial lotteries no longer had to be associated with non-commercial events, but could be incidental to any event. The draw could take place after the date the tickets were sold, but the tickets still had to be sold only whilst the event took place. Proceeds still had to go to purposes other than private gain.

Councillor Elaine Griffin-Singh queried whether any charity could attend another event and still continue to sell its raffle tickets. The Committee was informed that this was now possible, as long as the proceeds of the raffle went to purposes other than private gain. Lottery tickets could not be sold beforehand, only on the day or afterwards, unless a lottery licence was obtained.

The Senior Licensing Officer highlighted paragraph 3.8 of the report, which outlined the level of applications, inspections and suspensions undertaken by the Licensing Department.

Councillor Carol Sennitt left the meeting at this point, 10:38am.

The number of suspensions was lower than historically recorded and it was suggested that this was due to the licence holders themselves. Another meeting with the taxi drivers had been arranged.

Councillor Carol Sennitt returned to the meeting, 10:39am.

This meeting would be attended by the Senior Licensing Officer and taxi drivers only, so they could discuss any issues about the Licensing Department staff if needed. Councillor Sue Austin intimated that there were some issues that needed to be fed back. The Senior Licensing Officer felt that inroads had been made with the drivers and a one-to-one meeting would be helpful. There was no agenda for this meeting, so anything could be discussed and this would be reported back to the Committee. The taxi policy needed overhauling, to re-balance it, so the Council needed to hear from its taxi drivers.

Members had been given some training last year and Members were asked whether they needed or wanted further training on any particular issues. This training could be held after a future Committee meeting. Councillor Carol Sennitt thought a re-cap of the licensing training would be good; Councillor

Julia Huffer wanted some training on taxi licensing; Councillor Mike Bradley considered it useful for Members to be informed of legislative changes; Councillor Elaine Griffin-Singh suggested a simple guide be produced to cover all licences; Councillor Alan Sharp acknowledged that further training would be very useful, as the training he had received had rattled through things quickly. Councillor Julia Huffer advocated using a date when the Licensing Committee had a scheduled meeting but where no meeting would likely take place.

Councillor Julia Huffer thought the change by the Service to a more professional approach would result in people adjusting for the better and it was a great idea to engage more, as something beneficial could always be learnt.

The report was noted.

53. **FORWARD AGENDA PLAN**

The forward agenda plan was noted.

The meeting closed at 10.48am.