

# LICENSING COMMITTEE



**14 OCTOBER 2014 - 10:30AM**

**PRESENT:** Councillor Mrs K F Mayor(Chairman), Councillor Mrs V M Bucknor, Councillor Mrs C R Cox, Councillor M J Humphrey, Councillor A Miscandlon, Councillor D C Oliver, Councillor C C Owen, Councillor R Skoulding, Councillor W Sutton.

Kim Winterton (Licensing Regulatory Officer), Rory McKenna (Legal), Jane Webb (Member Services & Governance)

## **L4/14 TO CONFIRM AND SIGN THE MINUTES OF THE MEETING OF 30 JUNE 2014**

The minutes of the meeting of 30 June 2014 were confirmed and signed.

## **L5/14 STREET TRADING POLICY - RESPONSE FROM TOWN AND PARISH COUNCILS**

Kim Winterton presented the Street Trading Policy - Response from Town and Parish Councils Report and informed Members:

- Response from four Town and Parish Councils for the initial consultation on identified streets/roads;
- Adoption of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 still to be addressed;
- Decision required for the consultation period and dates for a draft Street Trading Policy and public consultation;
- Committee Members to discuss and agree designated street areas across the district.

Members made comments, asked questions and received responses:

- Can excess produce still be sold on the roadside; excess produce can be sold from the owner's property but not outside on the public highway;
- Not many Town and Parish Councils have responded; Town and Parish Councils are able to respond during the public consultation if they wish;
- It is probable that many Town and Parish Councils had thought that the policy was a Fenland wide one and therefore did not need to respond;
- Members stated that this policy should be a Fenland wide one.

Kim Winterton explained that:

- Presently there is difficulty in enforcing those parking on grass verges which is ruining the verges and therefore costing the Council to maintain;
- The policy also covers street traders which has been an issue recently whereby a burger van has been parked up, causing problems and the Council have no enforcement powers to move the van on;
- There are many exemptions to cover community events and street trading;
- This policy can come back on a yearly basis to be reviewed, tweaked or altered;

Members made further comments, asked questions and received responses;

- Just because there are not issues within the villages does not mean that this policy cannot be a district wide policy therefore the Council should consult on this policy to cover the whole district; Town and Parish Councils will have an opportunity to feed in regarding particular applications that are received;
- Has the policy been adopted nationwide; the policy has been rolled out elsewhere with most of the boundary districts already having adopted the policy;
- The policy should be reviewed in a year's time to see if any adjustments are needed. Councillor Mrs Bucknor proposed that the policy included the whole of Fenland;
- Whittlesey has four villages therefore it would be sensible to include them all within Fenland rather than separately especially as they do not have their own parish councils that could be consulted; both March and Wisbech were very specific about the areas they would like covered;
- Members agreed that they would feel happier if the policy covered the whole of Fenland as this would avoid any confusion over areas that were and were not covered;
- Members discussed exemptions to the policy and Kim Winterton explained that this policy was not about changing or stopping trade but there are some vendors that have crept forward with their produce into the highway resulting in a health and safety issue as people then have to walk in the road to pass the items. Exemptions can be made via applying for a licence with an initial administration fee of £50 which is for officer time to process the application;
- This will ensure that those that spread onto the highway for extra space will then need to apply for a licence where their boundary will be defined.
- Kim Winterton explained that it will be Fenland District Council managing and enforcing the policy; with planning checking who owns the area and other partner agencies involved during a consultation period;
- Would those cafes that have outside seating area be affected; this does not come under street trading but does come under a Pavement Cafe Licence which is similar but will contain a safe designated area for this purpose. Most market towns have also adopted this policy and it is usual to have one designated area with lots of tables and chairs whereby you can buy from different places and then sit down. This policy will come to Licensing Committee ready for next summer;
- What will happen to those, like green grocers, that have been placing their produce outside their shops in a reasonable way for years; it is clear that if they own the land then it can be used but if this has been happening for a number of years then Licensing would respect any comments received from planning and if Licensing were still unsure then it would come back to the Licensing Committee to make a decision. If an application is denied then it can be appealed and brought back to committee to make a decision therefore giving the policy the flexibility that it needs

Councillor Owen proposed that the policy be adopted but is adapted for the entire district, this was seconded by Councillor Miscandlon.

Rory McKenna stated that it would be reasonable to consult on the basis of the policy covering the entire district for enforceability. Kim Winterton stated it was best practice to consult for twelve weeks and this should start immediately after new plans were drawn up of the roads affected.

The Chairman asked if Fenland District Council had the resources to enforce this policy over the whole district to which Kim Winterton replied that the Enforcement Post was currently ring-fenced within the council but would be filled enabling the Council to fulfil the criteria.

**It was AGREED that:**

- **Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which governs Street Trading be ADOPTED;**
- **The draft Street Trading Policy for public consultation be AGREED;**

- **The designated area be the whole of the District;**
- **That the public consultation be for 12 weeks starting immediately.**

**L6/14            VERBAL UPDATE ON EMERGING NATIONAL LICENSING ISSUES**

Kim Winterton gave a verbal update on the following items:

- Temporary Event Notices - applicants now need to provide information regarding the intended use of the premises for any entertainment (lap dancing/pole dancing etc); they need to be specific;
- Hearing Regulations - these have been amended as of 1 October 2014;
- Mandatory Licensing Conditions - these have been amended as of 1 October 2014;
- Public Space Protection Orders - PSPO - These are new anti-social behaviour powers being launched on 20 October and this will affect licensing. The Anti-Social Behaviour Crime and Policing Act 2014 will mean that PSPOs will now be used instead of DPPOs although Fenland District Council has decided to let the current DPPOs run. The public are able to request that the Council put in a PSPO and the Council are responsible for policing these areas alongside the police which would mean licensing officers would be expected to police these areas. The Power of Closure has also been handed to the Council and the Police have made it clear that they expect the Council to use these powers. Councillor Oliver added the current DPPOs will continue but PSPOs can be added to the outline of these DPPOs to extend the area. These PSPOs will still need evidence before they can be introduced but they differ in the fact that anyone can request one and the cost will be covered by the Council
- Deregulation Bill 2014 - This will be reviewed in the House of Commons on 21 October 2014 and the Council is expected to put the Bill into force by the end of October but there is no indication as to what this will entail as yet.

11:30am

Chairman