



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 7th June 2016

PRESENT : Cllrs H. Norman (Chair), Patel (Vice-Chair), Gravells, Tracey, Hanman, D. Brown, Hansdot, Brazil, Fearn and Smith

Officers in Attendance

Gill Ragon, Head of Public Protection

Vikki Fennell, Solicitor, One Legal

Lisa Jones, Food, Licensing and Markets Manager

Darren Mountford, Senior Licensing and Markets Officer

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllrs Lugg, Williams, Pullen, Pearsall and J. Brown

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The following appointments made by Council at the Annual Meeting were noted:-

Chair	Councillor H. Norman
Vice Chair	Councillor Patel

2. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of the meetings held on 15 March and 4 April 2016 were confirmed and signed by the Chair as a correct record.

4. PUBLIC QUESTION TIME

Mr Matthew Stevens, a street trader in the City for 26 years, referred to the written objection from his wife contained in the report, asked why the levy for new street trading applications was being proposed in this way. He objected to the proposal which he believed was a sledgehammer to crack a nut and would be stifling to enterprise. He reminded the Committee that three High Street names in the City had started as street traders.

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The Chair advised Mr Stevens that should his answer not be answered in the course of the forthcoming debate he would receive a written response.

5. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

6. STREET TRADING - REVIEW OF STREET TRADING FEES

The Food, Licensing and Markets Manager presented the report of the Head of Public Protection which detailed the outcome of public consultation and invited the Committee to review the current arrangements relating to street trading consents with the addition of a non-refundable fee for 'new' street trading applications.

She explained that the fees for street trading consents had not been revised since 2008 and the report did not propose any change to those fees. It was proposed to introduce a non-refundable fee for 'new' street trading applications.

She advised that currently no fee was taken from street trading applicants until they started trading and consequently the cost of the application consultation exercise was not covered if the application was subsequently refused. Should an applicant be aggrieved by the Officer's decision to refuse an application they could request to appeal to the Licensing Sub-Committee and the costs of such a hearing would not be covered by the applicant.

She referred to the consultation detailed in paragraph 3.10 of the report and the objection from an existing street trader which was included as Appendix 2.

She stated that the proposed new fee was set at levels which recover the costs of consulting, administering and issuing consents for street trading activities. The new application fee had been calculated based on an officer time/cost analysis and she provided Members with a breakdown of the costs.

The Chair asked about the costs of consultation and was advised that costs were dependant on the site and who would have to be consulted. Although e-mail was used wherever possible, this could involve mailing letters or a visit. The costs had been calculated on the average time to process applications with salaries and overheads apportioned.

Councillor David Brown believed that the objector had made some good points and he was assured that every effort was made to process applications as efficiently as possible. He was advised that arrangements differed from authority to authority with some authorities granting consents and others granting licences.

Councillor Gravells believed that the Council should be encouraging enterprise and asked about practices in other authorities.

The Solicitor advised that there was very little street trading in Tewkesbury.

The Head of Public Protection advised that comparisons with other authorities were difficult as it was not known when they reviewed their charges.

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Councillor Gravells suggested that the matter be deferred until complete information was available.

The Food, Licensing and Markets Manager advised that at least two of the consents granted in the previous year did not proceed to trade.

Councillor Tracey noted that at a time when many shops were struggling it was not proposed to increase the existing fees and she could not see any problem.

The Officer stated that the new applications fee would enable the Council to recover costs incurred in unsuccessful applications and keep the existing fees at the current level or consider a reduction.

The Vice Chair was informed that the costs of processing were funded by the income from existing traders. He noted that the number of consents had decreased over the last two years. He was advised that the trend was increasing at the time the proposal was first made.

The Officer advised that the Finance Section had advised that the service would just about break even for the previous financial year and due to rising costs, there was no question of a surplus in the current year.

The Vice Chair questioned the imposition of a new application fee when an existing trader required minor changes to an existing consent. He was advised that if the minor changes did not require re-consultation there would be no charge.

The Chair asked if any consideration had been given to offering a discounted fee for existing traders requiring a material change. She was advised that the process, and therefore the costs involved, would remain the same.

Councillor Tracey was advised that refunds could be made if the Council was notified in advance that a trader would not be trading.

Councillor Gravells considered that the information contained in Appendix 3 was incomplete. He was advised that some authorities did not charge a new application fee.

The Head of Public Protection advised that the Forest of Dean District Council operated a shared service with Cotswold and West Oxfordshire District Councils and no response had been received to requests for information.

She advised Members that proposals were discussed with applicants before any fee was required and they were advised of locations which had previously been refused for street trading consents.

The Chair indicated that she was keen to see a discount offered to existing street traders requiring material changes to their licence.

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She noted that the Future Work Programme indicated that Members would be requested to review the Street Trading Policy in September 2016 and she suggested that the matter be deferred to that meeting.

RESOLVED that the report be deferred for further consideration in September 2016 as part of the review of Street Trading Policy.

7. MEMBERS' QUARTERLY UPDATE

The Food, Licensing and Markets Manager presented the report of the Corporate Director for Services and Neighbourhoods which provided an outline of key licensing activities in the quarter January – March 2016 including applications and service requests received, details of enforcement work, progress updates of the Committee work plan and any changes to licensing law.

She drew Members attention to paragraph 4.7 and noted that all the vehicles licensed by Gloucester City Council had passed by declining fares which had not been pre-booked.

She advised Members that the Best Bar None Scheme 2016 would be launched at the Guildhall in July.

Councillor Gravells enquired about performance of the Licensing Team and he was advised that all statutory time scales had been complied with but some enquiries related to applications for licenses for the use of land.

He referred to the tragedy in Glasgow last year and believed that the penalty for failure to notify the Council of any change in medical circumstances should be increased to the maximum of twelve internal penalty points.

He was advised that the scheme in the current rule book had been the subject of consultation before it had been adopted. Any change would require further consultation and he was further advised that the Committee would be asked to approve revised rule books for public consultation in September.

The Solicitor advised that any proposed changes to the rule books could be considered in September but reminded Members that the Sub-Committee had the power to suspend or revoke Hackney Carriage and Private Hire Drivers Licences if circumstances warranted such action.

The Head of Public Protection stated that in urgent cases, where evidence existed, she had the power, following consultation with the Chair and Vice Chair of the Committee, to suspend or revoke licences.

Councillor David Brown referred to the Late Night Levy and was informed that the Council would require the support of the Police to introduce such a scheme.

The Solicitor noted that a scheme in Cheltenham was in its second year and appeared to be operating successfully.

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Councillor Gravells referred to an application for 04.30 hours opening by Butlers and he was advised that the application was out for consultation.

The Food, Licensing and Markets Manager noted that the premises were situated within the Special Policy Area and the applicants would have to demonstrate that there would be no adverse impact on crime and disorder in the policy area.

The Chair thanked the Licensing Team for the report.

RESOLVED that the report be noted.

8. DATE OF NEXT MEETING

Tuesday, 13 September 2016 at 6.30 pm.

Time of commencement: 6.30 pm

Time of conclusion: 7.50 pm

Chair