



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 13th September 2022

PRESENT : Cllrs. Williams (Vice-Chair, in the Chair), Ackroyd, Bowkett, Brooker, Chambers-Dubus, J. Brown, Hyman, Patel, Radley and Tracey

Officers in Attendance

Director of Communities
City Centre Manager
Licensing Team Leader
Senior Lawyer, One Legal
Democratic and Electoral Services Officer

Also in attendance

Local Resident (x2)

APOLOGIES : Cllrs. Finnegan and O'Donnell

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

The minutes of the meeting held on the 14th June 2022 were confirmed and signed by the Chair as a correct record.

14. PUBLIC QUESTION TIME (15 MINUTES)

A local resident asked whether it was an appropriate time to conduct a Street Trading Policy Review and to potentially prohibit street trading within Eastgate and Westgate Street. He noted that the trade had a difficult three years, particularly with the COVID pandemic and the cost-of-living crisis. In response, the Senior Lawyer highlighted that the report was only recommending beginning the consultation process.

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A local resident asked whether it was an appropriate time to consult about the Street Trading Policy Review, amid a cost of living crisis. In response, the Chair stated that her question had been noted.

15. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions or deputations.

16. STREET TRADING POLICY REVIEW

The Licensing Team Leader presented the report of the Director of Communities. The purpose of which was to seek the Licensing and Enforcement Committee's approval to undertake a 12-week consultation in respect of a review of the draft Street Trading Policy as well as a review of the designation of streets in certain areas of Gloucester as prohibited and consented streets.

Councillor J.Brown noted that she had read through the report and asked why there was a proposal to potentially prohibit Eastgate and Westgate Street from street trading. In response, the City Centre Manager explained that it formed part of a wider vision for Gloucester to turn the city into distinct quarters and to support regeneration. He added that it would provide a 'blank canvass' to support a wider vision for Gloucester.

Councillor Radley noted that the City Centre Manager had proposed to support regeneration through the suggested changes. She asked how potentially removing street traders from Eastgate and Westgate Street would achieve this. In response, the City Centre Manager replied that perhaps the term 'regeneration' was not the correct one but that the move would help to support the wider vision that the Council had for the City. He said that on Eastgate and Westgate Streets already, the Council had asked for phone boxes to be removed and for Gloucestershire Highways to remove bollards to create space as part of supporting the wider vision for the city.

Councillor Patel noted that that he was unhappy that prior to the publication of the report, he was not made aware of the potential prohibiting of Eastgate and Westgate Street from street trading. He said that when he went into town, the markets were bustling, and this encouraged footfall and people to come into the city. Councillor Patel expressed concerns that prohibiting Eastgate and Westgate Streets from these purposes would have the opposite impact than what they hoped and would lead to less people entering Gloucester. In response, the City Centre Manager said that this was the first time it had been brought before the Committee in report form because the recommendation in the report was only to begin the start of the consultation process. He said that these proposals would have also been discussed in great detail already at meetings of the Senior Management Team and leadership meetings, including meetings with the Leader of the Council, for them to give the go-ahead to start the process of consulting.

In regard to Eastgate and Westgate Streets and the potential prohibiting of street trading in those streets, The City Centre Manager advised Members that they were only discussing the possibility of stopping street trading in those specific streets and

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not in the entire City Centre. He said that the Council had started the process of consulting street traders about the possibility of potentially moving to areas such as Southgate Street and closer to areas that could see more footfall, such as the Transport Hub and the University Campus when that was complete. He said that this policy was by no means guaranteed and that the report only recommended starting the process of consultation. He explained that in terms of time scale, the proposed changes would not come into effect until 2024 at the earliest, so that traders would be properly consulted and supported to be ready to relocate in time for the change. He highlighted that Gloucester was a business-friendly Council and that they wanted to work with street traders.

Councillor J.Brown asked how the proposed change would affect the Friday Market. In response, the City Centre Manager said that it would not affect the Friday Market at all, as that came under the Market Charter, not Licensing Policy.

Councillor Chambers-Dubus said that the proposal concerned her. She said that Eastgate was the main shopping area, not Northgate and Southgate Street. She said that she believed that moving street traders to less profitable areas could be viewed as gentrification.

Councillor Tracey noted that Gloucester was fortunate to have excellent street traders. She asked what would happen to the Farmers Market. In response, the City Centre Manager said that the Friday Market would be completely unaffected as that came under the Markets Charter.

Councillor Tracey asked for further clarification as to how outside trading fell under the Marketing Acts as opposed to Licensing. In response, the Licensing Team Leader said that current street traders were governed by the Local Government (Miscellaneous) Act and that market traders on Fridays came under the Markets Charter. He highlighted that these were two separate pieces of legislation.

Councillor Tracey asked whether the Market Traders on Fridays would still use Westgate and Eastgate Streets. In response, the City Centre Manager said that they would be able to use these streets for the Friday Market. He added that the Council had also explored the possibility of allowing current street traders to join the Farmers Market on Fridays. He said that the Council wanted to encourage street traders and explained that this was why the consultation only proposed prohibiting street trading on two streets in Gloucester.

Councillor Tracey asked whether street traders could trade in the Oxbode if the consultation went through, and the policy received consent. In response, the City Centre Manager said that if relevant partners such as the Police and Gloucestershire Highways were content with an application, there was no reason why a street trader could not trade there, and that the proposal only recommended prohibiting street trading in Eastgate and Westgate Streets.

Councillor Tracey asked for clarification as to when this policy would come into effect if it did receive consent. In response, the Licensing Team Leader stated that if members approved the report to go to consultation, this would probably come back before the Committee at the March 2023 Licensing meeting. If members approved it

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at that point, he explained that there would then be a legal process to follow, which would include the need to send it out to public notice for 28 days, then for it to go out to consultation. The Licensing Team Leader further explained that after this consultation process, the report would then have to come back before Committee again if approved, the Committee would have power to pick a date for it to come into effect and could determine a 2024 date to give street traders time to adjust and prepare to move from Eastgate and Westgate Street. The City Centre Manager added that even if the Council had the legal power to make the change in 2023, they would not, so that they could work properly with street traders. Members were reassured that 2024 was the earliest date in which these changes would come into effect.

Councillor Ackroyd asked what the response from the Street Trade had been so far. She also noted that she did not approve of the terminology in of 'tidying up' regarding the area as the street traders in Gloucester were very conscious of mess and were tidy. The Licensing Team Leader replied that they would have to wait for formal responses to come from the consultation process before they had an idea of how the changes had been received by the trade. The City Centre Manager added that Councillor Ackroyd was correct to highlight the point in relation to street traders and that the term 'tidying up' did not refer to street traders and that the street traders were an asset to the City. He explained that the term tidying up referred to street furniture generally and had nothing to do with street traders. He thanked Councillor Ackroyd for allowing him to clarify this point.

Councillor Patel noted that various references had been made to a vision for Gloucester. He asked what the vision for Gloucester's City Centre was. He said that he did not see the issue with street furniture and bollards. Councillor Patel also commented that he did not understand the logic of allowing the Farmers Market to operate unfettered in Westgate and Eastgate Street on Fridays, whilst prohibiting the use of the streets for street trading the rest of the week. He felt that if there was going to be a prohibiting of those streets, then it should be consistent throughout the week. Councillor Patel raised concerns that relocating businesses would be highly inconvenient for the traders and was unnecessary in his view. He said that if Gloucester wanted to be a business-friendly Council, then it should not put hurdles in front of businesses. He further noted that he was concerned that the public consultation would have a low response rate and thus would not reflect the views of people in in the city and street traders.

Councillor Bowkett stated that he had failed to be convinced that the proposed changes were the right course of action. He questioned whether it was worth conducting research into footfall in other parts of the city to see where street traders could benefit, should Eastgate and Westgate be inaccessible. In response, the City Centre Manager said that they did not have the figures for footfall in other parts of the city yet. He added however, that with the addition of the University Campus and the addition of the Forum, there would be an increase of footfall.

Councillor Radley asked what the process of approving a Licence for a Street Trader currently was and whether the local environment was taken into consideration. In response, the Licensing Team Leader responded that when an

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application came before the Council, they consulted the relevant partners, including Environmental Health and that an application could be denied on those grounds.

In response to a question from Councillor Radley regarding whether this was a change of policy, the Licensing Team Leader said that this was not the case as there are currently no prohibited streets for street trading in Gloucester. He said to prohibit a street for street trading purposes, a legal process would have to be followed, once this had taken place then members of this Committee would decide on whether to approve or reject the proposal and if they were minded to approve then they could set the date of implementation.

Councillor Radley asked how much the consultation process would cost. In response, the Licensing Team Leader said that he did not have the figures but that it would be a low-cost consultation as cost effective measures such as emails would be used to consult the trade and relevant partners.

Councillor Radley asked if there was flexibility to prohibit applications from the Council if there was a potential for the nature of the area to change. The City Centre Manager responded that there would be no changes to how Street Trader applications were dealt with, and it was his expectation that they could reject applications in Eastgate and Westgate Street if they were prohibited. He added that currently, a Street Trader could apply anywhere in the City, and it was likely that if partner agencies and officers agreed to the application and that it did not contradict Council Policy, it would receive consent.

Councillor Radley asked how much officer time the consultation would take up. In response, the Licensing Team Leader said that he did not have these figures to hand but would follow the matter up with Councillor Radley after the meeting.

Councillor Hyman stated that he would vote against the officer recommendation and believed that it was an inappropriate time to be proposing such a policy. He added that he believed that the Council should be focused on empty shops and getting more people into the city.

Councillor Patel reiterated his belief that he did not think it was sensible to prohibit trading in Eastgate and Westgate Streets but still to allow the Farmers Market to operate on both streets on Fridays. He said that he believed it should be kept as it was and for street traders to be allowed to operate from Eastgate and Westgate. He said that he believed that there should have been a recommendation to keep the current rules around prohibited streets as they were in the Council report. In response, the Licensing Team Leader reiterated that the Markets Charter was separate to Licensing Policy.

The Chair said that she was sympathetic to the issue raised by Councillor Patel but noted that the Markets Charter was separate to what was before them. The City Centre Manager added that the Markets Charter would at some point also be reviewed.

Councillor Tracey highlighted that many people enjoyed the outside street trading stalls as some people struggled with claustrophobia in the indoor market. She noted

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that the Cathedral brought in high amounts of footfall that benefitted street traders and asked whether fees would remain the same. The Licensing Team Leader confirmed that fees would remain the same and would look to review them in 12 months time if members approved

Councillor Tracey asked what would happen if this report was voted down by the Committee. In response, the Licensing Team Leader referred to an earlier point made by Councillor Patel, and advised that the Committee could, if they were minded to, approve the non-controversial changes to the policy which were mainly grammatical changes outlined in appendix 1 and defer appendix 2 which included the prohibition of Eastgate and Westgate Streets for street trading if more information was required but envisaged that it would come back to the next Committee.

Councillor Hyman stated that he was against consulting on the proposals and that he would still vote against the officer recommendation.

Councillor Patel stated that he agreed with Councillor Hyman. He said that regarding Eastgate Street, it had a large Christmas tree every year with a barrier. He asked whether this would be considered clutter. In response, the City Centre Manger said that the plan for the future was to have one large Christmas Tree in Kings Square.

Councillor Tracey asked what would happen to traders if the Committee voted for the recommendations in the report. In response, the Licensing Team Leader said that they could operate as usual and would be operating under the 2017-22 policy which allowed them to trade as usual until a new policy was adopted.

Councillor Patel highlighted that Gloucester had a retro festival every year, which brought in thousands of people. He questioned whether the cars and other street furniture it used would be considered clutter.

Councillor Radley said that she believed that the discussion at Committee showed that the policy needed further work. In response, the City Centre Manger said that the very purpose of the report was to consult relevant partners and persons so that they could have a discussion and create a policy that benefitted traders and the City. He said that consulting the public and relevant partners would provide an opportunity to do exactly what members were doing at the Committee meeting, namely scrutinising the contents of the proposed policy review. He said that the Policy may end up looking different as it was now but that changes could not be made to it if they did not allow it to go out for consultation. The Senior Lawyer added that from a legal point of view, approving the recommendations outlined in the report would simply be giving the go ahead to start the consultation process, to delay it would lead to it coming back to Committee to recommend starting the consultation process again.

Councillor Radley highlighted that she would be comfortable sending out the non-controversial aspects, such as the grammatical changes to the policy outlined in appendix 1 but not the potential prohibiting of street trading on Eastgate and Westgate Steet without further clarification. In response, the Director of Communities stated that a few issues had been highlighted by members. She noted

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that members had discussed issues, such as the closing of shops that the Council was trying to address. She explained that should the council only send the grammatical and small changes to the Street Trading Policy Review outlined in appendix 1 to consultation then they would only garner a small amount of feedback. She said that the current set up negatively affected footfall to the Guildhall as there was a barrier right outside of it. The Director of Communities highlighted that if no changes were made to the City Centre, then the same issues with the high street such as closing shops would continue. She said that she wanted members to respond to the consultation and help to formulate a successful policy. With regard to a point made by Councillor Chambers-Dubus regarding gentrification, she added that any policy would be subject to an equality impact assessment so her assertion that it was a policy of gentrification was not accurate.

Councillor Chambers-Dubus asked why the two recommendations in the report were not in the form of two separate reports. She said that she was comfortable with some of the changes outlined in appendix 1 of the Council report but was uncomfortable with the potential to prohibit street traders trading on Eastgate and Westgate Streets. In response the City Centre Manager responded that the first reason was because each consultation would take a similar amount of time. He said the second reason was because the proposal to consult in regard to street trading was only the start of a process. The City Centre Manager explained that Members allowing the Council to consult at this stage did not mean that the policy would definitely go through but could help highlight whether the proposed changes would be positive and would be starting the process of consulting.

Councillor Chambers-Dubus said that if the recommendation to move the street traders was a financially sound decision, then would the street traders have not already consulted the Council about this. In response, the City Centre Manager said that there was no reason for them to relocate away from Eastgate and Westgate Street when they were used to using it as a location but that there would be an opportunity for traders to test different locations.

Councillor Patel highlighted the low response rates of previous Council consultations. He asked for the figures of response rates from previous consultations undertaken by the Council. He said that he believed that the recommendations outlined should have been placed into different reports. He asked who would be being consulted. The City Centre Manager replied that the list of consultees was outlined in paragraph 1.4.1 of appendix 1 of the report. He said that any proposed policy changes started with members and that the report before the Committee was to start the process of consulting.

Councillor Patel asked whether having a list of consultees meant that many people were excluded from responding. The City Centre Manager responded that this was not the case. The Licensing Team Leader added that the consultation would be advertised through the Council's social media channels and put on the Council's website.

The Chair proposed recommending the recommendations outlined in the report. It was put to a vote and lost.

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RESOLVED that the Licensing and Enforcement Committee did not support the recommendations outlined in the Council report.

17. RESPONSE TO THE DRAFT COUNTY CCTV CONSULTATION DOCUMENT FOR LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Licensing Team Leader presented the report which presented the result of the consultation feedback on the draft County CCTV consultation document in Hackney Carriage and Private Hire vehicles.

He said that the Council had received 8 responses of which four were from Private Hire or Hackney Carriage drivers. He highlighted the recommendations in the report which was for members to note the consultation feedback and delay any decisions to mandate the use of CCTV within licensed Hackney Carriage and Private Hire vehicles for 12 months until further information can be provided on the cost, what systems to be used and the legality on introducing such a condition and for the Committee to request that Officers engage with the trade through the Hackney Carriage and Private Hire trade meetings to better understand their thoughts following the poor response from them to the CCTV consultation document.

Councillor Bowkett noted that the report asked for a 12 month delay to any changes. He asked who would pay for the changes if CCTV was introduced. In response, the Licensing Team Leader replied that the purpose of the report was simply to ask the Committee to delay mandating any policy change in relation to CCTV so a more robust consultation could take place. He said that an open dialogue with the trade would allow to see what the cost implications of mandatory CCTV would be. He said that Police were in favour of mandatory CCTV but that some in the trade were only happy with aspects of it. He said that the Council would also have to work out who the data controller would be. He added that other Councils in Gloucestershire (Stroud, Cheltenham, Forest of Dean and Tewkesbury) were also going out to consultation so that collaborative work on the topic with other authorities would be beneficial.

The Chair asked if Members had any objections to approving the recommendations laid out in the report. There being no dissent, it was:

RESOLVED that the Licensing and Enforcement Committee

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- 1) Note the consultation feedback and delay any decisions to mandate the use of CCTV within licensed Hackney Carriage and Private Hire vehicles for 12 months until further information can be provided on the cost, what systems to be used and the legality on introducing such a condition.

AND

- 2) Request Officers to engage with the trade through the Hackney Carriage and Private Hire trade meetings to better understand their thoughts following the poor response from them to the CCTV consultation document.

18. QUARTERLY UPDATE

The Licensing Team Leader asked if any Member had a query on the content of the Quarterly Update.

Members indicated that they had read the report and understood its content.

RESOLVED that the Licensing and Enforcement Committee note the contents of the report.

19. DATE OF NEXT MEETING

Tuesday 13 December 2022 at 6:30pm in the Civic Suite, North Warehouse.

Time of commencement: 6.30 pm hours

Time of conclusion: 7.56 pm hours

Chair