



Exeter City Council

To the Chair and Members
of the Licensing Committee

Philip Bostock, Chief Executive

Bindu Arjoon, Assistant Chief Executive

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A meeting of the **LICENSING COMMITTEE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter at **2.30 pm** on **TUESDAY 10 JUNE 2008** to consider the following business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, on **Exeter 265107**.

Pages

AGENDA

Part I: Items suggested for discussion with the press and public present

1 **MINUTES**

To sign the minutes of the meeting held on 11 March 2008.

2 **DECLARATIONS OF INTEREST**

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:-

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for item 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

4 **STREET TRADING CONSENTS - EFFECT OF CONSULTATION ON EXISTING CONSENT HOLDERS** 1 - 6

To consider the report of the Head of Environmental Health Services.

(Report circulated)

5 **PROPOSAL TO DESIGNATE STREETS AS PROHIBITED STREETS, LICENCE STREETS AND CONSENT STREETS FOR STREET TRADING** 7 - 10
Part II: Item suggested for discussion with the press and public excluded

6 **APPLICATION FOR ISSUE OF STREET TRADING CONSENT** 11 - 14

To consider the report of the Head of Environmental Health Services.

(Report circulated to Members)

DATE OF NEXT MEETING

The next Licensing Committee will be held on **Tuesday 8 July 2008** at 2.30 pm

Membership -

Councillors Noble (Chair), Branston, Cole, Mrs Danks, Gale, Mitchell, Newby, Shiel, R Smith, Sterry, Wadham and Winterbottom

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Member Services Officer on (01392) 265107 for further information.

Individual reports on this agenda can be produced in large print on request to Member Services on 01392 265107.

EXETER CITY COUNCIL

LICENSING COMMITTEE 10 JUNE 2008

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENTS- EFFECTS OF CONSULTATION ON EXISTING CONSENT HOLDERS

1.0 PURPOSE OF REPORT

- 1.1 To advise the Licensing Committee of the impact the recent consultation will have on existing consents should the proposal as advertised on 10 May 2008 be adopted at this meeting. A copy of the Notice identifying the relevant streets and the designations is attached at appendix 1
- 1.2 To seek delegated powers to re-issue the existing consents for the period between 1 August 2008 and the previously agreed expiry date on the previously agreed terms and conditions

2.0 BACKGROUND

- 2.1 Should the Committee resolve to implement the revised list of designated prohibited, consent or licensed streets (consents) there will be a moment in time when the current consents are revoked. This situation will arise when the new proposals are adopted and the extant consents fall.
- 2.2 The options that are available to the Committee are:
 - a) to allow the consents to cease and start again at midnight on the 1 August. This would mean that all current consents would need to be re-considered by a licensing sub-committee and all future applications for renewal of those consents would arise at the same time; or
 - b) an alternative option would be to re-issue the 10 consents identified in the schedule attached to run to the previously agreed expiry date providing a smooth transition to the newly adopted regime.
- 2.3 Under the scheme of delegation all renewals of consents are currently dealt with by licensing sub-committees. It is proposed that on this occasion the Head of Environmental Health Services be given powers to deal with the existing consents to avoid the need for a significant number of committee hearings that would probably be necessary otherwise.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications for the Council if the proposals are agreed as the applications have all been previously determined and granted for a 12 month period.
- 3.2 There are significant financial implications if it is decided to have all consents running from 1 August, as fees have been paid for a 12 month period.

Consent holders are entitled to seek refunds for all or part of the fees paid should they be required to apply for new consents with a new start date.

4.0 RECOMMENDATION

- 4.1 The Licensing Committee are asked to permit delegated powers to the Head of Environmental Health Services for the consents identified in the attached appendix on this one occasion; and
- 4.2 To allow for those consents to be renewed from the 1 August 2008 to the previously agreed expiry date identified in the appendix with no requirement for any additional fees to be levied.

Head of Environmental Health Services

COMMUNITY AND ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:-

None

Existing consent holders

Consent Holder	Location of consent	Commences	Expires
Mr H. Hughes (Creperie)	Castle Street.	15 July	14 July
Ms K. Bridle (Burgers etc)	Mallard Rd.	14 June	13 June
Mr Dennison (Fudge)	Castle Street	7 December	6 December
Mr M. Moran (Hot sausages)	Castle Street	16 December	15 December
Ms J. Gloyn (burgers)	Cofton Rd.	1 May	30 April
Mr I. Cook* (Fish and chips)	Heron Rd / Grace rd.	4 December	3 December
Ms P. Garwood*	Heron Rd/ Grace Rd.	1 March	28 February
Mr C. Joll (Coffee)	Castle Street	4 February	3 February
Mr. Parkinson (Burgers)	Castle Street (Night time only)	1 February	31 January
Ms D. Frost (Burgers)	Bittern Road	21 October	20 October

Mr Cook and Ms Garwood share the Heron Rd and Grace Rd. sites on a 50/50 basis throughout the week.

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EXETER CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

NOTICE IS HEREBY GIVEN THAT:

- (1) It is intended that at their meeting of 10 June 2008 the Licensing Committee of Exeter City Council will pass the following Resolution:

“RESOLVED that with effect from 1 August 2008 all existing designations shall be rescinded and the following streets in the City of Exeter shall be designated as follows within the meaning of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

“Prohibited Streets”

Alphington Road; Bailey Street; Bampfylde Lane; Bampfylde Street; Barnfield Road (from junction with Southernhay East to junction with Western Way); Bartholomew Street; Bedford Street; Belgrave Road; Blue Boy Lane; Blue Boy Square; Broadgate; Bude Street; Castle Street (northern part between Bailey Street and the Castle); Cathedral Yard and Cathedral Close; Catherine Square; Catherine Street; Chapel Street; Cheeke Street; Commercial Road; Cricklepit Street; Dix’s Field; Eastgate; Egypt Lane; Ewings Lane; Fore Street, Exeter (part); Fore Street Arcade; Gandy Street; George Street; Goldsmith Street; Guinea Street; Heavitree Road; High Street; Kestrel Way; Little Queen Street; Longbrook Street; Lower Coombe Street; Magdalen Street; Martins Lane; Mary Arches Street; Matford Park Road; Moor Lane; Musgrave Row; New Bridge Street; New North Road; North Street; Northernhay Place (between Bailey Street and High Street); Okehampton Street; Okehampton Place; Palace Gate; Paris Street; Paul Street; Pinhoe Road; Princesshay Arcade; Princesshay Lane; Princesshay Square; Red Lion Lane; Roman Walk; Quay Hill; Quay Lane; Queen Street; Sidwell Street (part only); South Street (part only); Southernhay East; Southernhay West; Stephens Bow; Swan Yard; Tabernacle Court; Topsham Road; Verney Street; Waterbeer Street; West Street; Western Way

“Consent Streets”

Alphinbrook Road; Ashton Road; Avocet Road; Bittern Road; Bridford Road; Budlake Road; Castle Street (part only); Christow Road; Cofton Road; Copplesstone Drive; Eagle Way; Exton Road; Falcon Road; Filmer Way; Grace Road (west/central/south); Hennock Road (north/central/east); Heron Road; Kennford Road; Kingfisher Way; Lower Argyll Road; Mallard Road; Marsh Barton Road; Marsh Green Road; Osprey Road; The Quay; St Mark’s Avenue; Sidwell Street Arcade; Trusham Road; Yeoford Way

“Licence Streets”

Fore Street, Exeter (part only on southern side between South Street and Market Street); South Street (part only); Sidwell Street (part only on southern side between Paris Street and Cheeke Street);

In Schedule 4 of the Act:

“Consent Street” means of a street in which street trading is prohibited without the consent of the City Council;

“Licence Street” means a street in which street trading is prohibited without a licence granted by the City Council;

“Prohibited Street” means a street in which street trading is prohibited;

“Street” includes:

- (a) any road, footpath, beach or other area to which the public have access without payment; and
- (b) a service area as defined in Section 329 of the Highways Act 1980, (also includes any part of a street).

“Street Trading” means, subject to certain exceptions contained in Schedule 4, the selling or exposing or offering for sale of any article (including a living thing) in a street.

(2) Representations relating to the draft Resolution set out above be made in writing to the Head of Environmental Health Services Civic Centre, Paris Street, Exeter EX1 1JN to be received not later than 9 June 2008.

Baan Al-Khafaji
Head of Legal Services
Exeter City Council
Civic Centre
Paris Street
Exeter EX1 1JN

Dated
29 April 2008



Exeter City Council

EXETER CITY COUNCIL

LICENSING COMMITTEE

10 JUNE 2008

PROPOSAL TO DESIGNATE STREETS AS PROHIBITED STREETS, LICENCE STREETS AND CONSENT STREETS FOR STREET TRADING

1 PURPOSE OF REPORT

- 1.1 To consider any representations which may be received following Full Council's resolution to advertise the intention to designate streets in Exeter for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982.

2 BACKGROUND

- 2.1 A report to the Licensing Committee on 29 January 2008 recommended designation and re-designation of certain streets within the City Centre for street trading as follows.

Eastgate to cease to be a licence street and to be re-designated a prohibited street.

The new streets in the Princesshay and a number of other streets in the city to be newly designated as prohibited streets. These are: Alphington Road; Bampfylde Lane; Barnfield Road (from junction with Southernhay East to the junction with Western Way); Belgrave Road; Blue Boy Lane; Blue Boy Square; Castle Street (northern part between Bailey street and the Castle); Cathedral Yard and Cathedral Close; Catherine Square; Chapel Street; Cheeke Street; Egypt Lane; Heavitree Road; Matford Park Road; New Bridge Street; Pinhoe Road; Princesshay Arcade; Princesshay Lane; Princesshay Square; Roman Walk; Sidwell Street (part only); Topsham Road; Verney Street and Western Way.

West Street to cease to be a consent street and to be re-designated a prohibited street.

Sidwell Street (part only), Fore Street, Exeter (part) and Bedford Street to cease to be consent streets and to be re-designated as prohibited streets, where relevant for that part.

The Licensing Committee on 29 January 2008 amended the recommendation so that part of Bedford Street was to remain a consent street. This part of the recommendation was rejected by Full Council on 19 February 2008 when it approved the proposed designations as in the circulated report.

- 2.2 In addition to the changes mentioned above, it was decided that this provided an opportunity for the Council to consolidate its records of street designations. At present, records and evidence of previous designations are incomplete and this would make prosecution difficult or even impossible in the case of some designated streets.

For that reason, the rescission and re-designation of all existing controlled streets has been advertised.

- 2.3 The procedure to change the designation is set down by statute and requires a notice to be placed in the local press setting out the intention to make the resolution and allowing a period of at least 28 days before the making of the resolution when representations can be made. In addition to this copies of the notice must be served on the Highways Authority and the local Chief of Police. The consent of the Highways Authority to the designation of any streets as "Licence Streets" must be obtained.
- 2.4 The Licensing Committee is required to consider any representations which have been received.
- 2.3 A notice was placed in the Express & Echo on 10 May 2008. A copy was also served upon the Chief of Police and Highways Authority on 7 May 2008. The Highways Authority's consent to the re-designation of the Licence Streets is yet to be received.
- 2.4 The 28 day period for the receipt of representations expires on Monday 9 June 2008.
- 2.5 At the time this report was written no representations had been received and a verbal update will be given on the situation at the meeting.
- 2.6 Once the Licensing Committee has considered any comments made and provided that the Highways Authority's consent has been received, the Committee may resolve to pass a resolution, subject to the representations, as it thinks fit.
- 2.7 Once a resolution has been made two further notices must be placed in the local press advertising the coming in to effect of the new designations. The first notice must be published not less than 28 days before the coming in to effect. The proposed date for coming in to effect of the new designations is 1 August 2008.

3 PROPOSAL

- 3.1 The proposal is that subject to consideration of any objections/comments received all streets be designated according to the notice published on 10 May 2008 which is reproduced in the attached Schedule.

4 RECOMMENDED that:

- (1) the Committee resolve to designate streets as contained within the notice published on 10th May 2008, but incorporating any necessary alterations in light of consideration of relevant representations received, as it thinks fit

HEAD OF ENVIRONMENTAL HEALTH SERVICES
COMMUNITY & ENVIRONMENT DIRECTORATE

Local Government (Miscellaneous Provisions) Act 1982

Background papers used in compiling this report:

Copy of advertisement placed in E&E

Schedule

EXETER CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

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Baan Al-Khafaji
Head of Legal Services
Exeter City Council
Civic Centre
Paris Street
Exeter EX1 1JN

Dated
29 April 2008



Exeter City Council

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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