

LICENSING COMMITTEE

28 March 2017

Present:

Councillor Roger D Spackman (Chair)

Councillors Sheldon, Brimble, Foale, Hannan, D Henson, Holland, Owen and Pearson

Apologies:

Councillors Branston, Newby and Sills

Also present:

Environmental Health and Licensing Manager, Litigation Solicitor, Solicitor, Acting Principal Licensing Officer and Democratic Services Officer (Committees) (MD)

1 **Minutes**

The minutes of the meeting held on 7 February 2017 were taken as read and signed by the Chair as a correct record.

2 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

3 **Update to the policy amendments to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

The Environmental Health & Licensing Manager presented the report seeking to introduce amendments to the current policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

He reminded Members that the item regarding the installation of passenger facing digital information screens in Licenced vehicles, had been deferred from the previous meeting. Members had requested additional health and safety information and a representative from DigiCAB Media to attend. The acting Principal Licensing Officer reported that the conditions outlined in Appendix R would be included if the digital screens were approved.

Mr R Shilleto of DigiCAB Media attended and presented Members with a working model of the digital screens built into a head rest. In response to questions from Members, he provided the following responses:

- The screen would be a standard tablet installed into the headrest as shown in the model provided. All content would be uploaded onto the screen by DigiCab media and be safety tested. There would be no audio from the screens with adverts and images on a silent loop;
- The screens would be installed on the passenger side only. The head rests would be wired in to follow safety mechanisms;

- Displayed advertising would be follow strict rules and regulations to ensure appropriate and ethical content. The content would also adhere to the British Board of Film Classification (BBFC) standards;
- There would be an on and off control for the driver, however passenger control could be also be added. At present passengers would have to ask the driver to turn the screens off;
- The screens would not be touch screen or have a speaker system installed. A touch screen digital screen was being developed;
- The drivers of licenses vehicles had a choice on whether they would have the screens installed. It would not be forced on them.

The Acting Principal Licensing Officer referred to the conditions for internal advertising for screen controls, explaining that the inclusion of passenger control for the screens would be essential for approval.

Councillor Pearson referred to the condition that stated “the mute/volume control must be accessible from the nearside and offside passenger seats”. He moved that the condition be amended so that sound be excluded and could only be video content. The motion was seconded by Councillor Owen. The policy amendment was approved by unanimous vote.

RESOLVED that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators be approved with the policy amendments be adopted.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

4 Application for the grant of a 12 month consent on Manaton Close, Marsh Barton, Exeter

The Acting Principal Licensing Officer presented the report advising the Committee that, Miss C was seeking approval consent to trade at Manaton Close, Marsh Barton selling hot food from a purpose built catering trailer. Miss C had applied to trade for a 12 month period and had previously traded in this area, as she had worked for the previous consent holder.

The Acting Principal Licensing Officer advised no representations had been received and the previous owner had a five rating for food hygiene. He explained that Miss C had a level two certificate in food hygiene, which was a basic qualification and national benchmark for food handling. Certificate holders were recommended to go for higher levels.

In response to questions from Members, the Acting Principal Licensing Officer informed that the trailer would be driven to the site daily and be parked there each day and moved in the evening. He confirmed that litter within 100m of the business was the responsibility of the applicant.

RESOLVED that the application be approved with the following conditions:

- a) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- b) That the consent holder will provide a bin for customer use and t ensure that any rubbish in the vicinity (within 100m) of the business, is cleared away at regular intervals;
- c) The use of A boards and flags was prohibited;

d) The consent holder will not undertake fly posting.

5 **Application for the grant of a roving consent (excluding the Quay and Castle Street) for a period of 6 months**

The Acting Principal Licensing Officer presented the report advising the Committee that Mrs C was seeking the approval for a roving consent (excluding Castle Street and the Quay) to sell ice cream from a purpose built ice cream van. Mrs C had applied to trade for a 6 month period which would commence on 1 April 2017. No representations had been received and there was only one other roving consent to sell ice cream in Exeter.

Mrs C was in attendance.

Mrs C informed Members that the ice-cream was made locally by an established producer using local and fresh ingredients. The ice-cream van was in good condition and had received a food hygiene certificate. She explained that she would only be selling ice-cream in parks or suburban areas, where parents would be the potential customers to buy on behalf of children and would not be selling near to schools. Mrs C had an 18 year old daughter attending Exeter University who would be able to provide support during university breaks. Both she and her daughter had obtained food hygiene certificates this month.

The Environmental Health and Licensing Manager advised the applicant would not be required to undertake a DBS check. He explained that, even though the Committee could exclude certain areas for selling it would be difficult to enforce. However, any complaints received to the licensing authority could lead to withdrawal of the consent. Any business expansion or more vans would need to be presented to the Committee.

Mrs C left the room for the Committee to deliberate.

In response to a Member's enquiry, a condition could be added to ensure chimes were not active while the vehicle was in motion. Members held a discussion on the appropriate distance the vehicle could go to school grounds and having a condition on the drop off and pick up times. The Litigation Solicitor informed that the council had the power to prescribe standard conditions under

Schedule 4 paragraph 7(4) of the Local Government (Miscellaneous Provisions) Act 1982 which stated that the Council may attach such conditions to it as they consider reasonably necessary. Paragraph 7 (5) states without prejudice to the generality of paragraph 7 (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent:

- Obstruction of the street or danger to persons using it; or
- Nuisance or annoyance (whether to persons using the street or otherwise).

RESOLVED that the application be approved with the following conditions (amended text highlighted in italics):

- a) That all of the conditions contained within Appendix A of the street trading policy dated June 2015 should be included on the consent including the condition that the consent holder shall not cause any obstruction of the highway;

- b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m) of the business, is cleared away at regular intervals;
- c) The use of A boards and flag was prohibited;
- d) The consent holder will not undertake fly posting;
- e) The consent holder must ensure that no chimes are operated whilst the vehicle used to trade is in motion.

6 Assistant Director Environment - Robert Norley

The Environmental Health and Licensing Manager requested an addendum to the minutes to express both the Licensing Teams and the Licensing Committees thanks to Robert Norley, the Assistant Director Environment, for all his hard work and leadership over the last ten years. He highlighted notable achievements under the Assistant Director Environment's leadership, which included:-

- a) Improvements to the street trading policy which now covers the whole of Exeter;
- b) The formation of a Hackney Carriage & Private Hire policy, which saw major enhanced quality controls to improve public safety with hackney carriage vehicles;
- c) An improved Licensing Act 2003 which expressed the Licensing committee's desire to encourage a café style culture and greater partnership working through schemes such as Best Bar None to enhance the safety and vibrancy of the evening and night time economy;
- d) A revised Gambling Act Policy which brought in city wide mapping to show areas of deprivation and premises of note within localities;
- e) The successful pilot of a multi-agency Help Zone;
- f) The pilot and subsequent establishment of a Taxi Marshall scheme.

The Environmental Health and Licensing Manager commented on these achievements and how well the Council had been operating under the Assistant Director Environments tenure. He would endeavour to continue the legacy being left behind.

The Members shared and expressed their thanks to the Assistant Director Environment.

The meeting commenced at 5.30 pm and closed at 6.50 pm

Chair