

## LICENSING COMMITTEE

22 September 2015

Present:

Councillor Greg Sheldon (Chair)

Councillors Laws, Brimble, George, Hannan, Harvey, Holland, Pearson, Shiel and Spackman

Apologies:

Councillors Choules, Crew and Henson

Also present:

Assistant Director Environment, Corporate Manager - Legal, Environmental Health and Licensing Manager and Democratic Services Officer (Committees) (HB)

**15 Minutes**

The minutes of the meetings held on 2 June and 21 July 2015 were taken as read and signed by the Chair as correct records.

**16 Declarations of Interest**

The following Member declared a disclosable interest for item 17 and left the meeting during consideration of the item.

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor George	17 (knew the applicant)

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**17 Application for Consent to Street Trade in Castle Street**

The Environmental Health and Licensing Manager presented an application for consent to street trade for a period of twelve months in Castle Street (adjacent to High Street), Exeter, which was a designated Consent Street under the provisions of the Local Government Act 1982.

Mr D was seeking to trade from Monday to Sunday between 09.00hrs until 19.00hrs. He proposed to sell Tibetan Food, which would be cooked to order on site using a gas fuelled ring system. He was proposing two types of potential stall. The first proposal was for an 8ft mobile catering unit or, alternatively, he wished for consideration to be given to a market stall.

The Environment Health and Licensing Manager referred to the need to ensure public safety in this area in light of changes to street furniture layout, outdoor café seating and existing consents that had been issued as well as access/egress for emergency service within this locality. He advised that the larger unit would be inappropriate.

Mr D attended and spoke in support of his application. He advised that although he had applied to trade Monday to Sunday he would decide once he had started to trade whether there was a need to trade for the full seven days, subject to the number of customers.

The Committee retired to make its decision in the presence of the Corporate Manager – Legal, the Assistant Director Environment and the Democratic Services Officer only.

Members of the committee **RESOLVED**:

1. To approve the applications for consent to trade for a limited period up to and including 2 February 2016. The Consent to trade shall be subject to the following conditions:-
  - (a) that the stall must not be more than 2.2m long by 1.8m deep; that the stall shall be located to the side of Castle Street, leaving sufficient space for vehicular access should it be required. The exact location of this stall shall be delegated to the Assistant Director Environment to agree and that all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 shall apply to this consent to trade.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **TOWN POLICE CLAUSES ACT 1847**

#### **18 Updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.**

The Environmental Health and Licensing Manager presented the report which proposed to the amalgamation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators into one document.

Since the revision of the last document in 2009, policy had developed and altered and following the change to Hackney Carriage vehicle policy in March 2015, the document had been further updated. The document also sought to simplify the presentation of requirements for CCTV within vehicles in order to make it easier for the trade and CCTV installers to understand the Council's minimum specification.

It had also become apparent that a clerical error had been made in the report to the Licensing Committee on 16 March 2015 regarding the quality standards for Hackney Carriages, specifically the colour of the livery. The report had incorrectly stated in Appendix C that 'No vehicle shall be licensed as a Hackney carriage vehicle unless its exterior paintwork/bodywork below the window line and across the bonnet and boot are painted to Pantone Red 032C or the area identified is "wrapped" in 3M Scotchcal Vinyl or equivalent vinyl to the same colour specification.' The colour quoted was wrong and therefore Members are requested to replace the stipulated colour to "RAL 3001 Signal Red".

Responding to a Member, who referred to a recent presentation by the Immigration Officer at the Devon and Cornwall Immigration Office in Plymouth to Scrutiny Committee - Community, the Environmental Health and Licensing Manager advised that he arranged joint licensing multi-agency meetings to ensure a co-ordinated approach on licensing matters including issues around illegal working. Many of the

issues related to ambiguities in background information and required referrals to the Home Office or Embassies.

**RESOLVED** that:-

- (1) that the Hackney Carriage livery standard should read 'No vehicle shall be licensed as a Hackney carriage vehicle unless its exterior paintwork/bodywork below the window line and across the bonnet and boot are painted to RAL 3001 Signal Red or the area identified is "wrapped" in 3M Scotchcal Vinyl or equivalent vinyl to the same colour specification; and
- (2) the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators 2015 be adopted and that:-
  - (a) the Assistant Director Environment be authorised under the scheme of delegations to make changes if or when necessary; the changes to be reported to the next Licensing Committee.

**19 Urgent Business**

The Chair agreed to take the following matters as urgent business in order to update Members on two issues which were of high public interest and, in the case of the Fanzone, expeditious steps were being taken to address the reported problems.

**20 Eden Lounge, 162-163 Fore Street, Exeter (Min No. 13 refers)**

The Corporate Manager Legal advised that, following the decision of this Committee on 21 July 2015 to refuse the renewal application for a sex entertainment venue licence, the applicant had appealed to the Magistrates Court. However, this appeal had been refused by the Magistrates for want of jurisdiction. The applicant has now filed an application for leave to appeal by way of Judicial review in the High Court. The application is being defended on behalf of the council.

**RESOLVED** that the position be noted.

**21 Exeter Fanzone - Rugby World Cup 2015**

A number of complaints had been received following a concert by Basement Jaxx on Saturday 19 September at Northenhay Gardens. A Councillor referred to a number of complaints both he and a fellow Councillor had received and asked what steps were being taken to address the issues.

The Assistant Director Environment reported that the event had been organised and promoted by a local events' company and was not part of the City Council's World Cup 2015 programme. The organiser was a member of the Exeter Safety Advisory Group and a noise management plan had been in place with the noise consultant having circulated letters to 2,500 addresses within 250 metres of the venue.

The event control had responded to the complaints they had received and the noise levels had been reduced after 11pm, with the event finishing at 11.30pm. Noise levels were affected by topography and wind direction; Northenhay Gardens was in a prominent position, the noise having been directed largely northwards and upwards towards the Stoke Hill, Pennsylvania and adjoining areas of the City. Although the band itself would not have been to everyone's taste and therefore annoying to some, there had been no evidence to suggest a statutory nuisance. It was considered that a

key issue was to ensure that the finish time for remaining events did not exceed 11pm which was the generally accepted threshold for such events and that satisfactory control measures were in place for the remainder of the Rugby World Cup. The opening night itself, on 18 September, had been a great success with the 3,000 in attendance creating a good atmosphere.

Remedial measures would also be undertaken for the grounds at Northernhay Gardens to revert to a satisfactory condition in time for the Remembrance Day commemorations.

The meeting commenced at 5.30 pm and closed at 6.30 pm

Chair