

LICENSING COMMITTEE

20 November 2018

Present:

Councillor Keith Owen (Chair)

Councillors Sheldon, Branston, Foale, D Henson, Holland, Mitchell, Newby, Pattison, Sills, Warwick and Wright

Apologies:

Councillor Hannan

Also present:

Environmental Health and Licensing Manager, Solicitor, Interim Principal Licensing Officer and Democratic Services Officer

19 **Minutes**

The minutes of the meeting held on 18 September 2018, were taken as read, approved and signed by the Chair as correct

20 **Declarations of Interest**

No declarations of interest were made by Members.

21 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

22 **Application for Consent to Street Trade**

The Chair introduced the Committee and set out the procedure. The Solicitor set out the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Interim Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading at Manaton Close, Marsh Barton, using a purpose built mobile van, for a 12 month period. The applicant had applied to trade between 10.30am and 14.30pm, between Monday and Sunday. The business had also been registered with Environmental Health since August 2016.

The applicant was attendance and spoke in support of the application, stating that they had previously traded at Manaton Close, Marsh Barton, operating a successful street food business. The applicant had changed locations in March but would like to

return to the area. They had obtained insurance, including public liability insurance and had registered with Environmental Health, confirming that they were ready to commence trading.

In response to questions from Members, the applicant responded:-

- The wheels would be taken off the vehicle for insurance purposes and would be a stationary vehicle;
- There was little storage space, so all food including chicken and vegetables would be purchased fresh, daily;
- She was aware of the responsibilities of maintaining the site, providing bins for refuse and employed a company to take away waste;
- She had previously operated at Manaton for a year before moving and had been successful.

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 that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- c. The use of A boards and flags is prohibited;
- d. The consent holder will not conduct fly posting;
- e. In the event that issues do arise from this consent, then this consent may be revoked by the Environmental Health and Licensing Manager in consultation with the Chair of the Licensing Committee;
- f. That in line with the Council resolution of 24th April 2018; any cutlery, food/ drink containers, and drinking straws used, should not be made from single use plastics.

23 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be not excluded during consideration of the following items on this agenda.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

24 **Change to Sex Establishment Licensing Fees**

The Environmental Health and Licensing Manager presented the report which sought to amend the existing fees for 2018/19, with immediate effect, to meet the current legal requirements in accordance with the Local government (Miscellaneous Provisions) Act 1982 and the Provision of Services Regulations 2009. He confirmed that the report did not seek to revise the fees charged for sex establishment licences and that the statutory principle in relation to setting fees was, that they be reasonable, relating to the costs of performing functions, including staffing, administration, testing, inspections, hearings, regulation and appeals.

The recommendations of the report would enable the authority to comply with the provisions of the European Services Directive (2006/123/EC) which was incorporated into UK law by the Provision of Services Regulations 2009.

The Environmental Health and Licensing Manager explained the licence fee would be split into two parts:-

- (a) Would cover the costs of processing applications and the costs for procedures and formalities. A fee of £3,130 would be payable on submission of the application and was non-refundable.
- (b) Would cover the costs of running and enforcing the scheme. The fee of £720 would only be payable before the licence was operational.

RESOLVED that the current fee for 2018/19 be amended with immediate effect in accordance with the provisions of the Local government (Miscellaneous Provisions) Act 1982 and the Provision of Services Regulations 2009 in order to meet current legal requirements. The Sex Establishment Fee would remain at £3850 in total but would be split as follows:-

- Part A - £3130
- Part B - £720

The meeting commenced at 5.30 pm and closed at 6.00 pm

Chair