

Licensing Committee (Miscellaneous)

Tuesday 8 December 2009

PRESENT:

Councillor Mrs Bowyer, in the Chair.
Councillor Lock, Vice Chair.
Councillors Delbridge, Gordon, Rennie and Mrs Stephens.

Apologies for absence: Councillors Bowie, Mrs Dolan, Drean, Mrs Nelder and Mrs Nicholson

The meeting started at 10.00 am and finished at 10.45 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

20. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

21. MINUTES

It was resolved that the following minutes be approved as a correct record:

13 October 2009	Licensing Committee Miscellaneous
29 September 2009	Licensing Sub Committee
6 October 2009	Licensing Sub Committee
13 October 2009	Licensing Sub Committee
13 October 2009	Licensing Sub Committee
10 November 2009	Licensing Sub Committee
18 November 2009	Licensing Sub Committee

22. CHAIR'S URGENT BUSINESS

The Senior Lawyer informed the Committee that there were three items of chair's urgent business to be considered by the Committee regarding the draft consultation on Pedlars Laws, preliminary measures to be considered over the Christmas period for emergency Licensing Committee meetings and attendance at 11 December 09 Licensing Sub Committee.

It was highlighted that the Licensing Department had received its first Expedited Review, a procedure used by the Police in order to urgently bring matters to the Licensing Sub Committee in order for interim measures to be added to a premises licence. Expedited Reviews must be carried out within 48 hours of the application therefore it was emphasized that Members may be called upon over the Christmas close down period if an application was received; four Members must be made available in order to ensure that the meeting was quorate. The Senior Lawyer confirmed that a fourth Member was also required for the Expedited Review which was due to take place on 11 December.

The City Centre Street Operations Manager provided the Committee with information upon the Pedlars law and informed the committee that –

- (i) a consultation document regarding the potential to update Pedlar laws was being drafted;
- (ii) the current Pedlars Act was out-dated and difficult to enforce;
- (iii) it would be beneficial to allow the Local Authority to manage pedlars under street trading regulations;

- (iv) a national Pedlars database had the ability to track down Pedlars and their offences;
- (v) over the Christmas and holiday period Plymouth experienced an increase in problems regarding pedlars;
- (vi) the Police had supported the Council in requesting information from pedlars such as the means they took in transporting and displaying their goods;
- (vii) pedlars were moving back into popular positions having been moved on by officers as they preferred to stay in high population areas;
- (viii) she had received complaints from local businesses in the area regarding pedlars positioning themselves near doorways;
- (ix) it was important for the Committee to voice their opinions upon the Pedlars Act however it was highlighted that possible changes may not come into fruition until 2015.

In response to questions raised it was reported that –

- (x) the City Centre Street Operations Manager felt that an act of parliament had to be appropriated in order to make a designated trading area;
- (xi) Nottinghamshire had introduced their own Pedlars Act however it was not known if it was a Business Improvement District city; it was highlighted that it was expensive to introduce legislation;
- (xii) Big Issue sellers were not licensed as they were given designated areas to work in, were monitored by CCTV, followed a strict code of conduct and had an assigned PCSO;
- (xiii) the current Pedlars law could be easily misinterpreted;
- (xiv) large trolleys were likely to be in breach of the Highways Act;
- (xv) Trading Standards could be called if it was considered that illegitimate trading was taking place;
- (xvi) it would be difficult to gain access to criminal records checks if the Pedlars Law changed from the Police to Local Authorities;
- (xvii) street traders were not CRB checked;
- (xix) it was not known at this stage if measures put in place in the Pedlars Act would be compatible with EU consultation;
- (xx) there had been no complaints received from pedestrians regarding pedlars however some local businesses had complained that the pedlars were taking their trade;
- (xxi) the response to the consultation needed to be submitted by 29 January 2010;
- (xxii) the City Centre Street Operations Manager would email Members the draft response so that further comments to be added before submission if necessary

Resolved that

- 1) responses from Members of the Committee would be submitted to the City Centre Street Operations Manager before 29 January 2010;
- 2) Councillors Mrs Bowyer, Rennie, Delbridge and Lock would be available to attend an Expedited Review over the Christmas period if an application was received by the Licensing department;
- 3) Councillor Mrs Stephens would be available to attend the 11 December 2009 Licensing Sub Committee meeting as fourth member if she was required;

23. **INFORMATION REGARDING DELEGATED DECISIONS FOR APPLICATIONS FOR THE GRANT/VARIATION OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES.**

The Senior Licensing Officer provided the committee with an update on information regarding delegated decisions for applications for the grant/variation of premises licences and club premises certificates.

The committee noted the report and congratulated the Senior Licensing Officer on the positive results contained within it.

24. **EXEMPT BUSINESS**

There were no items of exempt business.

25. **MINUTES (CONFIDENTIAL) (E3 AND E7)**

Resolved that the minutes of the meeting held on 18 November 2009 be approved as a correct record.