

Licensing Committee

Tuesday 3 December 2019

PRESENT:

Councillor Rennie, in the Chair.

Councillor Hendy, Vice Chair.

Councillors Allen, Cook, Goslin, Jordan, Parker Delaz-Ajete, Ms Watkin and Winter.

Apologies for absence: Councillors Morris, Mrs Pengelly and R Smith.

Also in attendance: Emily Bullimore (Street Operations and Street Trading Manager), Ann Gillbanks (Senior Lawyer), Helen Prendergast (Democratic Advisor) and Fred Prout (Senior Licensing Officer).

The meeting started at 10.00 am and finished at 10.36 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 made by Councillors, in accordance with the code of conduct.

21. **Minutes**

The Committee agreed the following minutes –

(1) Licensing Committee -

- 18 June 2019;

(2) Licensing Sub Committee -

- 16 July 2019;
- 24 September 2019.

22. **Chair's Urgent Business**

There were no items of Chair's urgent business.

23. **Street Trading Report 2020/2021**

Emily Bullimore (BID Street Operations and Street Trading Manager) presented the Street Trading Report 2020/21. The following key points were highlighted -

- (a) it was proposed that the consent fees were increased for the city centre street trader pitches and ice cream consent sites by 1.5%, in order to cover the increased costs of Non-Domestic Rates, repairs, maintenance and increased salary and support costs;
- (b) although inflation rose to 1.8%, consideration had been given to the lessened footfall in the city centre and the closed shops in the vicinity of the street trading consent sites; it was important to keep the street traders in order to maintain the vibrancy and life of the high street; the street traders had also incurred their own increase in charges for items such as stock and fuel;
- (c) it was proposed to freeze the cost of the waterfront pitches to try and encourage new traders to the area in 2020/21;
- (d) it was also proposed that the duration of the consents for 2020/21 for the city centre, Hoe, Hoe Road and Madeira Road commenced on 1 April 2020 and ended on 31 March 2021;
- (e) existing consent holders for -
 - the city centre were granted a degree of preference in the re-allocation of their consents unless applications were received for alternative trades that were sufficiently attractive to possibly warrant displacing an existing consent holder;
 - ice cream consent holders were granted a degree of preference in the re-allocation of their consent; any contested consents or new applications would be considered in consultation with the Chair of the Licensing Committee and the lead opposition member.
- (f) in 2013 the Committee approved the creation of trading sites on Hoe Road and Madeira Road and delegated approval of new applications to the Licensing Sub Committee; as only one site had been let it was proposed that all new applications would continue to be considered by the Licensing Sub-Committee, and that any renewals were given delegated authority to the Service Director for Economic Development;
- (g) during 2020/21 trading year the work on New George Street and Old Town Street would be started by both Plymouth City Council on the public realm and by British Land on the buildings; this would probably result in the temporary displacement of two of the current street traders and possible impact on others; it was proposed to hold an investigation into temporary sites for displaced traders and also for new static and roaming pitches within the city centre;

the proposed pitches would be put to the Committee in the early part of 2020 when the plans for the public realm work were confirmed and therefore the impact of the sites would be known.

The key areas of questioning from Members related to –

- (h) the rationale behind the price freeze for the waterfront pitches;
- (i) the work involved and the timescale for the investigation into the cost implications and the validity of electric connection points for all ice cream street sites;
- (j) whether the electricity costs would be borne by the street trader and not the City Council;
- (k) the progress with the two new sites within the city centre;
- (l) whether the use of the electric connection points would be mandatory;
- (m) whether any decisions arising from the possibility of having to move pitches due to the provision of electricity connection points, could be delegated to officers rather than coming back to this Committee for approval.

The Committee agreed the following recommendations –

- (1) the consent dates for 2020/21 (1 April 2020 to 31 March 2021);
- (2) the consent fees (as set out in Appendix A for 2020/21);
- (3) the Service Director for Economic Development has delegated authority, within Committee policy, for the issuing of consents to existing city centre traders seeking to continue trading;
- (4) the Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of consents to new traders or contested sites for the city centre, in consultation with the Chair of the Licensing Committee and lead opposition member;
- (5) the Service Director for Economic Development has delegated authority to approve, within Committee policy, short-term street trading consents in association with other city centre events and commercial activity;
- (6) the Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy;

- (7) the Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of consents to existing ice cream traders seeking to continue trading;
- (8) the Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of consents to new traders or contested sites for vacant ice cream sites in consultation with the Chair of the Licensing Committee and lead opposition member;
- (9) the Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of consents to existing Hoe and Madeira Road waterfront trading sites seeking to continue trading;
- (10) for Hoe and Madeira Road waterfront trading sites, the Licensing Committee delegate approval to the Licensing Sub-Committee for all new applications;
- (11) investigate the cost implications and validity of electricity connection points for all ice cream street trading sites and report findings back to the Committee;
- (12) investigate new street trading sites and possible roaming sites in the light of the upcoming public realm and British Land works to New George Street and Old Town Street and report findings back to the Committee.

24. **Delegated Decisions for Applications for the Grant/Variation of Premises Licences**

Fred Prout (Senior Licensing Officer) presented the delegated decisions for applications for the grant/variation of premises licence report.

Members were advised that between 1 May 2019 and 31 October 2019 there had been 19 applications that had been mediated out by officers which had negated the need for these applications to be submitted to the Committee for consideration.

The following areas of questioning were raised by Members relating to –

- (a) what measures were being undertaken to enforce the Council's fly posting policy, given the increase in this activity across the City;
- (b) whether the cost of removing fly posting was borne by the licence premises, rather than the Council.

The Committee noted the report and thanked Fred Prout for attending the meeting.

25. **Exempt Business**

Agreed that under Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt business as defined in paragraphs 1, 2 and 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

26. **Confidential Minutes**

The Committee agreed the minutes of the Licensing Sub Committee held on 24 September 2019.