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Licensing Committee

Tuesday 28 May 2013

PRESENT:

Councillor Rennie, in the Chair.

Councillor Gordon, Vice Chair.

Councillors Mrs Bowyer, Drean, K Foster, Jordan, Monahan, Mrs Nelder, Mrs Nicholson, Parker, Singh, John Smith, Kate Taylor and Wright.

Apologies for absence: Councillor Dr. Mahony

Also in attendance: Ann Gillbanks (Senior Lawyer), Marie Price (Licensing Officer), Phil Conday (Senior Environmental Health Officer), Rachael Harris (Environmental Health Officer), Annette Laurie (Assistant Waterfront Manager) and Helen Rickman (Democratic Support Officer).

The meeting started at 10.05 am and finished at 11.05 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.

1. **TO NOTE THE APPOINTMENT OF CHAIR AND VICE CHAIR**

The panel noted the appointment of Councillor Rennie as Chair and Councillor Gordon as Vice Chair for the municipal year.

2. **DECLARATIONS OF INTEREST**

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

3. **MINUTES**

Agreed that the following minutes of 8 January 2013 Licensing Committee and the 15 January 2013, 20 February 2013, 26 February 2013, 5 March 2013, 19 March 2013, 16 April 2013, 23 April 2013 and 30 April 2013 Licensing Sub Committee are approved.

It was highlighted under this item that only those Councillors present at the aforementioned meetings were able to verify the accuracy of the minutes.

4. **CHAIR'S URGENT BUSINESS**

Ann Gillbanks, Senior Lawyer, advised the Committee that Councillors new to the Licensing Committee were required to undertake the required licensing training before they were able to sit as a member on a Licensing Sub Committee. An email would be sent to Members advising them when the training would take place.

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

Marie Price, Licensing Officer, provided the Committee with an update on information regarding the delegated decisions for applications for the grant/ variation of premises licenses and club premises certificates.

The Committee was informed that, between 1 June and 15 May 2013, 26 applications had been received whereby representations from responsible authorities / interested parties had been mediated-out with agreement of the applicant and the respective responsible authority.

The Committee noted the report.

6. **PROPOSED NEW STREET TRADING CONSENT SITES**

Phil Conday, Senior Environmental Health Officer, Rachael Harris, Environmental Health Officer, and Annette Laurie, Assistant Waterfront Manager, provided the Committee with a report on the proposed new street trading consent sites.

The Committee was informed that –

- (a) the report submitted to Councillors in the agenda pack detailed 15 potential new street trading consent sites however officers highlighted that only eight sites were suitable for the Committee's approval; five sites were withdrawn as a result of consultation responses, namely sites 6, 7, 10, 12a and 12b, and that consideration of a further two sites, sites 13 and 14 on West Pier, should be adjourned as officers were required to check if street trading sites were permitted;
- (b) a consultation document had been sent out and several responses received;
- (c) several people had shown interest in the proposed new street trading consent sites with approximately 50% of applications received for food based trading;
- (d) officers considered that the proposed sites would enhance the area and compliment local businesses;

In response to questions raised it was reported that –

- (e) officers understood the concerns raised by Councillors that the new street trading consent sites applications would be for predominantly hot food sellers and ice cream vendors and that this could have an impact on events on the Hoe and the Barbican however officers confirmed that this would not be the case; the new street trading consent sites would be prioritised for street entertainment and art as a way of complimenting businesses in the local area and encouraging families to frequent the Hoe and Barbican;

- (f) the events team had been consulted and did not raise any concerns on the possible impact this might have on events such as the fireworks competition or Armed Forces Day;
- (g) the Licensing Sub Committee would have the authority to add conditions to the new street trading consent site licenses;
- (h) the new street trading consent sites would be subject to a review;
- (i) the Devon and Somerset Fire and Rescue Service did not object to the proposals as long as the sites did not obstruct vehicle access and that fire risk assessments had been completed;
- (j) the new sites would not have fixed stalls due to the weather conditions on the Hoe; officers had suggested that barrows could be used however requested that applicants provide officers with a photo of their own current stall/structure in order for it to be assessed for suitability and health and safety;
- (k) the sites would be prioritised for street entertainment use and not for events; the site was for street trading consent and only had a three metre by three metre footprint;
- (l) the fees specified for the proposed new sites were a best estimate based upon City Centre Street trading experience and would be reviewed in January/ February 2014;

Councillors considered that, if managed properly, the proposed street trading consent sites would be an asset to the local community however there were concerns that the sites could be dominated with vendors selling greasy fast food. An amendment was put forward, with regards to recommendation 2 in the report, that the sites be used for non-fast-food retail purposes however this was considered to be too restrictive as 'fast food retail' could encompass vendors wanting to sell strawberries and cream or sweets and chocolate. The Senior Lawyer advised the Committee that it would have been beneficial if a policy had been provided to the Committee outlining the use of the sites however in the absence of a policy stated that the advert could be more prescriptive stating that greasy food retail such as burger and chips would not be acceptable.

It was agreed therefore that the recommendations listed in the report are amended in order to reflect the concerns of the Committee and give the Licensing Sub Committee more control, as follows:

1. Approval is granted for the introduction of 8 proposed street trading consents with associated fees as listed in Appendices 1 and 2 with exception of two sites at West Pier;
2. Officers are authorised to advertise the consent sites for the remainder of the 2013/14 financial year; the advert for the sites is to exclude application from sellers of food such as burgers, chips and

hotdogs and other similar food;

3. Committee delegate approval to the Licensing Sub Committee of all new applications for consents;
4. A report to review the sites be brought back to the Committee in time for the 2014/15 applications; such report to include a policy for future letting of sites.

7. **EXEMPT BUSINESS**

Agreed that under Section 100A(4) 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 information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

8. **MINUTES**

The Committee agreed the minutes for 16 April 2013 Licensing Sub Committee.