

LICENSING COMMITTEE18 July 2012
10.00 - 11.05 am

Present: Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Brierley, Gawthrope, Hart, Meftah, Pippas, Reiner, Saunders and Owers

Officers Present

Head of Tourism and City Centre Management – Emma Thornton
Licensing Manager – Robin Grey
Legal Advisor – Jane Connell
Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL**12/20/LIC Apologies for absence**

Apologies were received from Councillor Smith, Councillor McPherson, Councillor Gawthrope and Councillor Hart.

12/21/LIC Declarations of Interest

There were no declarations of interest.

12/22/LIC Law Commission Review - Reforming the law of Taxi and Private Hire Services

The committee received a report from the Licensing Manager, regarding the Law Commission Review – Reforming the law of Taxi and Private Hire Services.

The committee made the following comments on the report

i. Clarification was requested on the status of paragraphs 3.6, 3.7, 3.8 and 3.9 of the committee report. The Chair explained that due to the timing of the next meeting it was necessary to confirm the consultation response outside of the committee. It was explained that due to the nature of the proposed changes it

had been agreed that it was important for the City Council to submit a response.

ii. Following discussion it was agreed to remove the “may” from the first sentence of paragraph 3.9, to strengthen the recommendation. It was agreed that it was important for the City Council to release a press release to alert the local trade to the proposals.

iii. An explanation was requested on the nature of the proposed minimum safety standards. The Licensing Manager explained that at present the consultation only proposed the principle of a minimum standard and the actual minimum safety standards would be set by Regulations, which would be subject to separate consultation. Concern was also expressed whether the proposed standards would be adequate.

iv. Members questioned the motivation behind the Law Commission proposals, and whether they were truly a fresh approach or merely change for the sake of change. Whilst it was acknowledged that the proposed changes had the potential to create new or additional complexity, it was also agreed that the current system was also overly complex and hopelessly out of date.

v. Clarification was requested on the reference to proposed changes to the rules related to leisure use of vehicles. The Chair explained that the proposal was to allow vehicles to be “off duty”.

Resolved (Unanimously) to

i. Endorse paragraphs 3.6 to 3.9 of the committee report, subject to the removal of the word “may” from the first paragraph.

ii. Agree to provide any further comments to the Licensing Team by 10th August 2012, to allow them to be incorporated into the final version.

iii. Authorise the Chair and Vice-Chair to agree the final version of the response to be submitted before the close of the consultation.

12/23/LIC Review of the Street Trading Policy

The committee received a report from the Head of Tourism and City Centre Management regarding the review of the Street Trading Policy.

The committee made the following comments on the report

i. The appropriateness of section 4 of the proposed was questioned, and it was suggested that the content should be incorporated into the current section 5. A request was made for the section regarding the delegations to the Director of Environment to be simplified.

ii. The following comments were made on the drafting of the document

- Sections 5.2.81 and 5.2.82 do not relate to equal opportunities, and it was suggested a heading was missing.

- In section 7, the reference to appendix 4 should be replaced with a reference to appendix 3

- In section 5.4.6, the reference to section 2 should be section 3.

iii. It was agreed that the Market Trader Federation (Street Traders Branch) should be added to the list of formal consultees in section 2.1.

iv. Clarification was requested on whether the previous proposal to have a health check had been dropped. The Head of Tourism and City Centre Management confirmed that the street trading review incorporated the principle of the health check approach used by other authorities.

v. The Head of Tourism and City Centre Management was asked regarding the rationale behind the proposal for formal reviews every three-years, instead of five years suggested by the Market Traders Federation. The committee were advised that either suggestion was equally valid, and would be explored through the consultation process. The committee noted the existing process involved a formal review each year.

vi. The possibility of exploring alternative decision making mechanisms in the event of a contested, new or vacant pitch such as an officer recommendation was suggested.

vii. It was suggested whether the policy should consider the issue of perceived monopolies; particularly those were multiple members of the same family held licences under the umbrella of the same company. The comment was noted.

viii. Concern was expressed about whether the time period between the Licensing Committee in October and the proposed deadline for applications. The Head of Tourism and City Centre Management noted the concern, however it was explained that if necessary the deadline could be extended but at this stage this was not expected to be required.

The Chair invited the committee to consider any streets, which should be, explored as potential new consent or prohibited streets. The Legal Advisor explained the process for designating a new street. The following streets were suggest as potential new consent streets,

- Christ's Lane
- Sussex Street
- Pikes Walk
- Milton Walk

It was also agreed that the status of pathways on Parkers Piece should be explored.

Resolved (Unanimously) to

Authorise the Head of Tourism and City Centre Management to consult on the draft Street Trading Policy subject to the changes raised in the meeting, and to bring a report back to Licensing Committee on 8th October, which will summarise the feedback on the consultation and outline any proposed changes to the policy as a result of the consultation.

The meeting ended at 11.05 am

CHAIR