

## **LICENSING COMMITTEE**

**Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,**

**on Thursday, 14th March, 2019 at 10.00 am**

**Present:** Councillor Sam Wilson in the Chair;

Councillors John Knight, Rachel Madden,  
Cathy Mason, Mike Smith and John Wilmott.

**Apologies for Absence:** Councillors Tony Brewer and Glenys Maxwell.

**Officers Present:** Julian Alison, Martin Elliott and  
Samantha Reynolds.

**L.9 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**

There were no declarations of interest.

**L.10 To receive and approve as a correct record the minutes of the meeting of the Committee held on 8th November, 2018.**

**RESOLVED**

that the Minutes of the meeting held on 8 November 2018 be approved as a correct record and be signed by the Chairman.

**L.11 Licensing Authority Activity Report: 2018 Calendar Year.**

The Licensing Team Leader submitted a report to provide the Committee with information on service volumes; details of licensing hearing decisions; decisions made under delegated powers; information on volumes of applications and enforcement activities during the 2018 calendar year. The report also provided information on the programmes of modernisation that had been put in to effect since the 2017 report and on the future workings of the Authority with regards to Licensing activities.

The Licensing Team Leader's report provided a wide range of information with regard to Licensing activities during 2018, including:

- an outline of Licensing Functions and the corresponding legislation;
- data regarding new licences/registration applications received and processed by the Authority;
- the Licensing Authority's current financial position;

- a restructure of the Licensing Team and planned recruitment to vacant posts;
- reasons for the upturn in applications and income;
- licenced premises mapping, risk assessments and compliance and enforcement data;
- number of enforcement actions taken in 2018 across the Licensing Functions including snapshots of serious cases of concern;
- Licensing Sub-Committee cases and outcomes;
- Officer Decision Records completed;
- Appeals made to the Licensing Authority;
- Notable Achievements and the successful audit of the Licensing function;
- Future work programme for the Licensing Team.

Members took the opportunity to debate the duties undertaken by the Licencing Team during the 2018 calendar year and discussed various issues including:

- the growing number of micro-pubs in Ashfield and the challenges that these provided of having licensed premises in predominantly residential areas;
- how the Planning Team and Licensing Team liaise together on applications that involve both teams;
- Personal Licence holders and their responsibilities;
- how licence conditions were imposed by the Licensing Authority and monitored for compliance purposes.

Members of the Committee thanked the Licensing Team Leader and his Team for providing an excellent Licensing service to the businesses and residents of Ashfield.

## **RESOLVED**

that the report be noted.

## **REASON FOR DECISION**

To acknowledge and understand the activities of the Council's Licensing function during 2018.

### **L.12 Draft Street Trading Policy.**

The Licensing Team Leader submitted a report seeking approval for the draft Street Trading Policy to be published for consultation and to request that the committee considered and commented on the draft Policy in order that their comments be incorporated into the draft Policy prior to consultation process commencing.

The Licensing Team Leader advised that Street Trading was defined as “the

selling or exposing or offering for sale any article (including a living thing) in a street – subject to a number of exceptions”, and noted that the Council currently issued Street Trading Consents in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The draft Policy that was attached as an appendix to the officer’s report, set out the criteria that the Council would use when considering applications for Street Trading Consents and the grounds upon which decisions would be made about Street Trading applications, including any necessary enforcement action.

The Licensing Team Leader advised that the draft Policy would support the Council’s commitment to work in partnership with other agencies, avoid duplication with other statutory controls as well as recognising and supporting the valuable contribution that Street Trading made to the local culture and economy and the services that Street Traders provided to residents and visitors.

The Licensing Team Leader advised that the draft Policy had been designed to promote a flexible approach in relation to applicants seeking to operate new Street Trading businesses, whilst also endeavouring to promote a well-regulated Street Trading function by ensuring that such Trading did not become a source of nuisance or annoyance to those who lived in, worked in and visited the District.

Members of the Committee asked about the section of the draft Policy that stated that applications for a Street Trading Consent would be refused for locations in close proximity to “primarily residential properties” and noted that this would prevent trading in residential areas where the trader offered a valuable facility to the community. The Licensing Team Leader noted that each application would be assessed on a case by case basis and on its own merits, but advised that the wording of the draft Policy would be amended prior to consultation to make this clear.

The Licensing Team Leader advised that it would be beneficial to keep the wording “in close proximity” regarding the siting of street traders to other community facilities, rather than setting specific separation distances as this approach would provide more flexibility and enabled the Council to better protect the amenity of residents and the users of other facilities.

Members of the Committee asked whether six-month licenses could be offered in order to assist traders who offered seasonal products, such as ice cream. The Licensing Team leader advised that the extra administration tasks that would be involved in issuing six-month licenses, and the related costs would be prohibitive, however it was noted that the Council’s policy of offering payment instalments for licences supported smaller traders.

Members suggested that with regard to the proposed Mobile Trading Consent Licence that the number of locations included in the consent be limited in order to prevent over intensive use of some sites by multiple traders.

Members of the Committee discussed the proposed Consultation and were in agreement that the Consultation should be publicised as widely as possible

using a diverse range of communication channels in order to engage with a broad range stakeholders and residents.

## **RESOLVED**

- a) that the comments made by the committee on the draft Street Trading Policy be incorporated in to the draft policy prior to consultation.
- b) that Licensing Team Leader be delegated authority to carry out the consultation on the draft Street Trading Policy on the terms detailed in the officer's report.
- c) that the consultation be promoted using a diverse range of communication channels in order to engage with a broad range stakeholders and residents.

## **REASON FOR DECISIONS**

To progress the development of the Council's draft Street Trading Policy as the lack of a policy limits the opportunities to Street Traders to 15 specific locations in the District, and as such hinders the transformation of the local area in relation to creating a more vibrant local economy.

The meeting closed at 11.20 am

Chairman.