

LICENSING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 8th July, 2019 at 10.00 am

Present: Councillor Warren Nuttall in the Chair;

Councillors Jim Blagden, Ciaran Brown,
Trevor Locke, Rachel Madden, Lauren Mitchell,
Caroline Wilkinson and John Wilmott.

Apologies for Absence: Councillors Kier Barsby and Tony Brewer.

Officers Present: Julian Alison, Beth Brown, Mike Joy and
Rachel Newton.

L.13 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

L.14 Minutes

RESOLVED

that the minutes of the meeting of the Licensing Committee held on 14th
March, 2019 be received and approved.

L.15 Draft Street Trading Policy: Consultation Responses

The Licensing Team Leader submitted the revised Draft Street Trading Policy to the Committee seeking approval of the document following the conclusion of the consultation period.

He advised Members that the policy currently in force for this purpose had been adopted by Council in 2002 and limited street trading to 15 static locations across the District.

The intention of the Draft Policy is to promote and support a flexible approach in relation to applicants seeking to operate within Ashfield, whilst ensuring that street trading does not become a nuisance issue.

The Policy sets out the criteria the Council will use when determining applications for Street Trading Consents, including the grounds upon which decisions are made and any subsequent enforcement actions required.

In order to ensure that Street Trading is not undertaken in places that may be deemed inappropriate the Draft Policy states that applications for Street

Trading Consent (trading from a single fixed location) will be refused for locations thought to be in close proximity to:

- a place of worship;
- a place of education;
- a place of healthcare;
- a place of cultural or historical local/national significance;
- primarily residential properties;
- a business offering the same goods/ services;
- likely to undermine the safety and/or convenience of the general public and/or road users.

There are four types of Trading Consents included within the Draft Policy, they are Street Trading Consent, Mobile Trading Consent, Community & Charity Trading Consent and Special Events Trading Consent. Each are specific in nature and have limitations relating to the duration of trading hours and location.

The Licensing Team Leader advised the Committee that the consultation process has been completed during the period 1st April 2019 to 12th May 2019. To ensure a comprehensive consultation was undertaken views of various stakeholders and partner organisations had been invited in addition to that of representatives of current Street Trading Consent holders and the general public, via the Council's website, reception and local libraries.

Two responses were received during the consultation period and were appended to the report in their fullness. The Licensing Team Leader advised Members that opposition had been received from a member of the public concerned that an increase in street trading locations may encourage unlicensed traders to take up any vacant new locations.

This issue, whilst having some validity, can be overcome by regular mobile checks of the District being undertaken and enforcement action against the unlicensed traders where this is found to be the case.

The Assistant Director Neighbourhood & Environment had raised, via the consultation, a requirement for the Policy to be explicit in relation to traders looking to operate on Council owned parks and other open spaces that may already have a café or similar establishment in situ in order to prevent unhealthy competition.

The Licensing Team Leader advised the Committee that this would not be applicable when dealing with traders wishing to do so from a fixed designated location as the Neighbourhood & Environment Service would be a consultee in such applications and could raise any concerns on an individual basis.

However, in order to address this in the case of Mobile Traders and those Traders who attend events on Council owned parks and open spaces, amendments have been made to the Draft Policy and the proposed restrictions are set out below:

- that Mobile Trading may not take place from any Council owned park or recreational space during the operating hours of any existing permanent structure selling similar goods and services as those proposed to be offered by the Mobile Trader (this restriction will also apply to Events held) and
- that no location may be occupied by more than one Mobile Trader at any given time.

Members discussed the Trading Consents fees and charges, the Licensing Team Leader advised the Committee that the general principles when setting fees were that they must be reasonable, proportionate and not exceed the cost of procedures and formalities under the relevant licensing scheme and that the proposed fees are representative of this. He also advised the Committee that an initiative has been introduced to allow payment by instalments in order to assist businesses and to promote and encourage new ventures.

RESOLVED that

- a) the response as included in the report relating to the consultation on the Draft Street Trading Policy be noted;
- b) the fees and charges proposed for the Street Trading functions be accepted;
- c) the amendments to the Draft Street Trading Policy as appended to the report be incorporated and that Policy be recommended to Council for adoption.

Reason:

To ensure that the Authority has a robust Street Trading Policy whilst supporting local businesses in trading at recognised locations within an agreed framework.

The meeting closed at 10.35

Chairman.