

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 27 NOVEMBER 2013

Present: Councillor N Smith (Chairman).

Councillors R Adams, G A Allman, J Cotterill, J G Coxon, D Everitt, J Geary, P Hyde, C Large, T Neilson, V Richichi, J Ruff, M Specht and M B Wyatt.

In attendance: Councillor A V Smith MBE.

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mrs R Wallace.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Bridges, G Jones and L Massey.

**2. DECLARATION OF INTERESTS**

There were no declarations of interest.

At this point the Chairman thanked the Officers and Members that attended the Licensing Sub Committee meeting the previous evening as it took five and a half hours to consider.

The Chairman also invited all Members to attend the Drivers Forum on 28 November at the Council Offices.

**3. MINUTES**

Consideration was given to the minutes of the meeting held on 11 September 2013.

It was moved by Councillor J G Coxon and seconded by Councillor R Adams.

RESOLVED THAT:

The minutes of the meeting held on 11 September 2013 be approved and signed by the Chairman.

**4. REVIEW OF STREET TRADING POLICY**

The Licensing Team Leader presented the report to Members.

Councillor M B Wyatt raised concerns regarding no mention of the use of street furniture within the policy and also allowing trading in close proximity to schools which would encourage children out of school premises. The Environmental Health Team Manager assured Councillor M B Wyatt that he would amend the pool of conditions to specifically refer to street furniture. The Legal Advisor explained that there had been a lot of discussion regarding trading in close proximity of schools and it was felt that the current use of specific zones outside of schools was not an effective way of managing the licences as anyone can relocate to a nearby road out of the zone to trade. He assured Members that the proposed policy would give officers more control over where and what traders sell.

Councillor J Geary pointed out a missed word under point 1 of objective 1, under the street trading consent conditions at appendix 1 of the report. The point should read 'No smoking is permitted inside or immediately outside (within a doorway) of the premises.'

In response to questions from Councillor M Specht, the Environmental Health Team Manager explained the following:

- A fixed site was a trailer that was not mobile and remained in the same site for trading.
- Under the proposed policy, the traders operating from a fixed site would need to provide toilet facilities for the customers.

In response to a question from Councillor C Large, the Legal Advisor explained that the policy was robust especially with regards to trading by schools as there was no right of appeal.

Councillor T Neilson commented that he believed that the proposed policy was a sensible approach but asked questions regarding market events. In response, the Licensing Team Leader explained that the types of markets included had been put into a list but asked Members to let him know if any others should be included.

Councillor M B Wyatt asked who would set the standards regarding the type of food that could be sold in close proximity to schools. The Legal Advisor explained that it would be up to the Officers to exercise their discretion when considering applications. The Authority should not be dictating what people should be eating or taking choices away, it was important to achieve the correct balance. A discussion was had regarding the differences between the current policy and the proposed new one. The Environmental Health Team Manager commented that the Officers would need to be consistent when making decisions and would put together rules to make it clear and transparent. He went on to state that if an application was submitted that did not provide a healthy option then further discussions would be had with the applicant before a decision was taken. He concluded that the current policy was not consistent.

Councillor M Specht asked if there were particular circumstances that meant a fixed street trader could not operate for a four month period but could prove that it was the intention to trade again, would there be some flexibility to keep the licence. The Legal Advisor stated that there would always be flexibility if given all the details. The condition was included in the policy to stop cabins becoming empty and unsightly.

Regarding the condition that consent holders would need to maintain the area within the vicinity of the vehicle, Councillor P Hyde asked if this would apply to the cabin on Stephenson Way as a lot of the litter came from the adjacent McDonalds restaurant. The Legal Advisor explained that the condition was included to encourage cleaner areas. Councillor M Specht informed Members that McDonalds were very happy to assist in community projects such as litter picking, as they had done so in the past at his invitation. Councillor A V Smith confirmed this and added that they regularly litter picked along with the Council. The Environmental Health Team Manager explained that this particular condition had caused much discussion and he confirmed it would be looked at further.

It was moved by Councillor M Specht, seconded by Councillor R Adams and

RESOLVED THAT:

The report be noted and comments made by the Committee considered.

## **5. REVIEW OF STATEMENT OF LICENSING POLICY**

Before the item was considered Councillor A V Smith reminded Members that another visit to Ashby to observe the evening economy had been arranged for Friday, 6 December as the previous sessions had been very successful. Councillor A V Smith encouraged Members to attend, especially those who did not attend previously.

The Environmental Health Team Manager presented the report and referred Members to the additional map of Ashby circulated at the meeting. He explained that the coloured points on the map indicated to three licensed premises, the Plough Inn, the Royal Hotel and the Wetherspoons, which were currently outside the boundary of the policy and need to be considered for inclusion. It was of his opinion that the Royal Hotel should not be included as it was too far out of the boundary. Councillors J Geary and M Specht agreed with the Environmental Health Team Manager and also suggested that the Royal Hotel be excluded.

The Legal Advisor commented that when considering the Plough Inn, it was important to remember that it was not currently within the boundary and never had been. As it was not a hotspot for problems the Committee would need evidence to support why it would need to be included.

In response to a question from Councillor J Geary, the Environmental Health Team Manager explained that although the Wetherspoons had no issues, the reason it needed to be considered was due to the Police's request that it be included because of its size, level of footfall and type of clientele. Councillor P Hyde felt strongly that it was premature to include the Wetherspoons at this point based on assumptions and the Committee should wait for statistics to be released before making a decision. The Legal Advisor suggested that as the policy would not be considered by Council until January, Officers request that the statistics on the Wetherspoons over the Christmas period be available to help make the decision.

Members agreed that the Wetherspoons premises be excluded from the boundary subject to further input from the Police to be considered by Council in January as part of the formal adoption of the Policy.

The Environmental Health Manager asked Members for their opinion on the proposed reduction to the cumulative impact operating hours from 24 hours a day to between 8.00pm and 6.00am. In response to a question from Councillor J Geary, the Legal Advisor explained that the Police would like the hours to remain 24 hours a day. He explained that the reason for the proposed change was so that small cafe's, for example, could apply to sell alcohol during lunch time as they currently would be refused. As premises such as this would be closed during the evening when problems usually occur, this approach was unfair. The Environmental Health Team Manager referred Members to page 84 of the report which detailed the comments submitted by the Police.

Members agreed to continue to consult and notify in accordance with the legislation and statutory guidance. In addition, to continue to notify Parish Councils of application, as recommended within the report.

In response to a question from Councillor T Neilson, the Environmental Health Team Manager explained that the policy did refer to a cultural strategy as it did previously because the strategy no longer existed.

**RESOLVED THAT:**

The report be noted and comments made by the Committee considered.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.50 pm