

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 8 JUNE 2009

SUBMITTED TO THE COUNCIL – 21 JULY 2009

(To be read in conjunction with the Agenda for the Meeting)

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|---------------------------------------|-----------------------|
| * Cllr Mrs Gillian Beel (Chairman) | * Cllr Julian Hubble |
| * Cllr Robert Knowles (Vice-Chairman) | Cllr Peter Isherwood |
| * Cllr Mrs Elizabeth Cable | * Cllr Bryn Morgan |
| * Cllr Victor Duckett | * Cllr Steven Renshaw |
| * Cllr Mrs Lucinda Fleming | Cllr John Sandy |
| Cllr Bob Frost | * Cllr John Savage |
- *Present

7. MINUTES (Agenda Item 1)

The Minutes of the Meetings held on 27 April 2009 and 12 May 2009 were confirmed and signed.

8. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence had been received from Councillors Bob Frost and Peter Isherwood. Cllr Dr Nicky Lee attended as a substitute.

9. DISCLOSURE OF INTERESTS (Agenda Item 3)

Cllrs Mrs Gillian Beel, Victor Duckett and Mrs Lucinda Fleming declared personal interests in minutes 11 and 12 as members of Farnham Town Council.

PART I – RECOMMENDATIONS TO COUNCIL

There were no matters raised under this heading.

MATTERS OF REPORT

Background Papers (CEx)

The background papers relating to the following items in Parts II and III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

PART II – Matters reported in detail for the information of the Council

10. DRAFT PROTOCOL FOR ENFORCING THE LICENSING ACT 2003
(Agenda Item 6; Appendix A)

The Committee received the draft Joint Enforcement Protocol prepared in consultation with the responsible authorities designated by the Licensing Act 2003. The aim of the Protocol is to ensure that each authority accepted and understood their responsibilities and agreed to take such action as may be needed, depending on problems arising either at premises which were (or are not) licensed or by personal licence holders.

A meeting to consider the draft protocol had been held on 20 April 2009 between officers and the responsible authorities, including written consultation where authorities were unable to send personal representation to the meeting. Consideration had been given in particular to the best ways to share intelligence and information, so that it may be formalised in the Protocol.

Sharing of intelligence had, until now, been generally via direct contact between the authorities as the need arose, and more formally on a monthly basis via meetings of the Town Centre Disorder Group (TCDG), which had been set up by Waverley officers acting in conjunction with Surrey Police in response to the challenges of the Licensing Act 2003. This particular group had been held up as an example of good practice in handling those challenges and encouraging joint working between the authorities.

Most of the responsible authorities had been able to attend the TCDG meetings regularly. Generally, the monthly meeting was chaired by Surrey Police (the Waverley Area Inspector), and was consistently attended by the local police officers, the Licensing Authority officers, Environmental Health officers, Surrey Fire and Rescue and Surrey Trading Standards, thus enabling consultation with five of the seven responsible authorities on a regular basis. The Local Planning Authority and Surrey Safeguarding Children Service had found regular attendance difficult. However, their inputs to the processes under the 2003 Act were usually not as significant as those of the other authorities.

RESOLVED that the Draft Protocol for Joint Enforcement of the Licensing Act 2003 be approved and officers be authorised to sign the agreement on behalf of the Council.

11. COMMUNITY EVENTS AND STREET TRADING – REVIEW OF STREET DESIGNATIONS (Agenda Item 7; Appendix B)

The Committee received a report that defined Street Trading, the three different street designations and described the legal process that would need to be followed should any changes to Waverley's existing street trading designations be approved.

The Council's Economic Development & Partnerships Service facilitated many community and Council-run events each year. A number of such events would benefit from access to streets in Waverley that were currently defined as prohibited streets with regard to street trading consents. Such consents were a means of controlling whether traders, including market operators, were permitted to set up in the Borough's public places. They are administered and enforced by the Council's Environmental Health Service.

The Council's Economic Development & Partnerships Service had suggested a number of streets for inclusion. Town and Parish Councils' opinions would also be sought regarding additional Consent streets during the representation period. It would be an open, public consultation that would include Members, partner agencies and other stakeholders and would be initiated by the publication of a Notice of Intention which would include a draft of the resolution.

The changes in designation proposed supported four of the Council's corporate priorities. They would enable community run and similar events to occur in a controlled manner, at specific sites and time-limited. Public safety would be protected and existing controls over individual street trading (such as for fast food outlets) would remain in place.

RESOLVED that

1. the notice of intention be published; and
2. the Committee receive a report on the outcome of the consultation with a view to endorsing recommended changes or amendments if appropriate.

12. COMMUNITY EVENTS AND STREET TRADING – STREET TRADING POLICY (Agenda Item 8; Appendix C)

The Committee received the second of the Street Trading reports and noted that any changes to the current street designations would need to be accompanied by the publication of a Street Trading Policy.

The current draft draws on similar policies from other Local Authorities and reflected current good practice. Further detail would be needed once any occasional consent sites were identified for community and similar events.

The policy should contain:

- Some general guidelines about Street Trading in Waverley
- Notes on the application, determination and appeals processes
- Information on fees
- Conditions that may be attached to consents
- Special conditions relating to community and similar events
- Enforcement
- Review procedures

The proposed 'Street Trading in Waverley' Policy document would provide guidance on the decision-making process, consistent conditions for consent holders, guidance on enforcement and a structured fees regime. It would be open to public consultation with a view to putting final decisions before the Executive at an appropriate time, ideally 1 September 2009.

Following discussion Members agreed that it was important that the policy clarified the fees structure, identified whether fees would be refunded and if so under what conditions. Clarity was also requested on the involvement of the

County Highways Department and enforcement issues. Members were advised that changes to the Scheme of Delegation would be required for the refund of fees and the determination of non-contentious applications.

RESOLVED that

1. the draft 'Street Trading in Waverley' Policy and the proposed public consultation process be endorsed; and
2. the Committee receive a report on the outcome of the consultation with a view to adopting a final Policy including any recommended changes or amendments as appropriate.

PART III – Brief Summaries of other matters dealt with

13. ACTION AUTHORISED (Agenda Item 5)

The Committee noted the action taken by the Head of Democratic and Legal Services following consultation with the Chairman and Vice-Chairman since the last meeting of the Committee.

14. WAVERLEY'S STATEMENT OF GAMBLING POLICY (Agenda Item 9)

RESOLVED that the start of the consultation process be endorsed.

15. LICENCES APPROVED UNDER DELEGATED AND OTHER POWERS – LICENSING ACT 2007 (Agenda Item 10)

RESOLVED that the list of premises licences approved under delegated powers to date and the list of licences or certificates brought before the Licensing Sub-Committees to consider representations be noted.

16. MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Agenda Item 11; Appendix E)

RESOLVED that the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 27 April 2009 be noted.

The meeting commenced at 7.00 p.m. and concluded at 7.41 p.m.

Chairman