

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 27 JULY 2009

SUBMITTED TO THE COUNCIL – 20 OCTOBER 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

17. MINUTES (Agenda Item 1)

The Minutes of the Meetings held on 8 June 2009 were confirmed and signed.

18. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence had been received from Councillors Bob Frost, Peter Isherwood and Steven Renshaw. Cllr Mrs Carole King and Dr Nicky Lee attended as substitutes.

19. DISCLOSURE OF INTERESTS (Agenda Item 3)

The following councillors declared a personal interest in agenda items 7 and 8. Councillor Mrs Beel as a member of Farnham Town Council, Councillor Knowles as the Portfolio Holder for local economy, and Councillor Sandy as Portfolio Holder for environmental issues.

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

The Committee agreed to re-order the agenda to take Item 9 at this point as a representative of licensed taxi drivers, Mr A Phillips, had attended to address the meeting.

20. HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE AGE OF VEHICLE POLICY (Agenda Item 9)

A representative from Waverley licensed taxi drivers attended the meeting to present a case for the suspension of the implementation of the next stage of the vehicle age policy and to request a full review of the policy relating to the age and condition of vehicles.

The Committee acknowledged that the Council had undertaken to support small businesses in the borough during the recession and following discussion the Committee

RESOLVED to

1. defer the implementation of the next stage of the Council's vehicle age policy from 1st September 2009 to 1st September 2010; and
2. carry out a full review of the Council's policy relating to the age and condition of hackney carriage/private hire vehicles in consultation with operators and drivers.

21. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – POLICY AND APPLICATIONS (Agenda Item 6)

Members of the Committee had received a copy of the Licensing and Policy Applications booklet prior to the meeting. Members commended the Licensing Officer on a very comprehensive and useful booklet.

RESOLVED that the booklet combining policies in respect of hackney carriage and private hire licences be received and noted.

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

The Committee had previously received a report on this matter and had agreed that there was a need to provide a street trading solution that would enable community and council-run events to take place in key locations in the Borough. A light touch review of Street Trading Controls had been agreed to determine a policy that would encourage such events occasionally, but not encourage individual traders in mobile vehicles. On 8 June 2009 the Committee had resolved to support this process and the statutory Notices were published on 19 June. Responses to the public consultation had been received and circulated to the Committee.

The Committee had some concerns that the policy might result in unrestricted trading on those street designated as consent. However, officers confirmed that permission would still need to be granted by the Council to trade on a consent street.

The Committee discussed the list of street proposed for a change of designation from prohibited to consent and agreed that Knowle Lane, Cranleigh was not suitable for any type of street trading and to delete it from the list.

The Committee RESOLVED that:

1. the re-designation of published streets, as amended to exclude Knowle Lane, Cranleigh be approved; and
2. the Executive be recommended to endorse the decision with a view to publishing the notice(s) confirming changes.

(Councillor Morgan asked that his vote against be recorded, and Councillor Mrs King asked that her abstention be recorded)

23. COMMUNITY EVENTS AND STREET TRADING – STREET TRADING POLICY (Agenda Item 8; Appendix B)

The Committee had previously received a report on this matter and had agreed that there was a need to provide a street trading solution that would enable community and council run events to take place in key locations in the Borough. A light touch review of Street Trading Controls was agreed to determine a policy that would allow such events occasionally but not individual traders in mobile vehicles. This Committee endorsed this approach on 8 June 2009. It had been open to public consultation and the responses had been put before Members.

Discussion followed on the notice period required for submission of applications and the Committee considered that, although a certain amount of flexibility was required, sufficient notice of an application should be given and the policy should be amended to reflect this.

The Committee noted that legislation did not allow for appeals and grounds for refusal were not required to be given. However, in order to ensure the process was transparent, a sub-committee could be formed to hear from concerned parties.

Members were advised by the Council's Solicitor that reasons would need to be given for officer delegated refusals to applications, and should the policy be adopted the Council's Scheme of Delegation would need to be amended.

The Committee agreed to amendments to the proposed policy as follows:

Schedule 1 – Applications (Third paragraph)

"Where an applicant **has not given** sufficient notice, consent will not **normally** be granted unless agreed by ..."

Schedule 1 – Appeals (Second paragraph)

"However, in order to ensure the process is open, fair and transparent Waverley Borough Council will follow a formal appeals procedure **on decisions to refuse under delegated powers.**"

RESOLVED that

1. the final draft 'Street Trading in Waverley' policy be agreed with the above amendments; and
2. the amended 'Street Trading in Waverley' policy be recommended to the Executive with a view to adoption together with recommending the Council to agree an amendment to the Scheme of Delegation to Officers.

PART III – Brief Summaries of other matters dealt with

24. **ACTION AUTHORISED** (Agenda Item 5)

The Committee noted the action taken by the Chief Executive following consultation with the Chairman and Vice-Chairman since the last meeting of the Committee.

25. **MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE** (Agenda Item 10; Appendix C)

RESOLVED that the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 8 June 2009 be noted.

The meeting commenced at 6.30 p.m. and concluded at 8.18 p.m.

Chairman