

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 16 JULY 2015

SUBMITTED TO THE COUNCIL MEETING – 21 JULY 2015

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

Present

Cllr Simon Inchbald (Chairman)
Cllr Patricia Ellis (Vice Chairman)
Cllr Maurice Byham

Cllr Tony Gordon-Smith
Cllr Peter Isherwood
Cllr Carole King

Cllr Nick Williams (Substitute)

Apologies

Cllr John Fraser, Cllr Mike Hodge, Cllr Anna James, Cllr Libby Piper and Cllr Bob Upton

1. APPOINTMENT OF CHAIRMAN (Agenda item 1.)

RESOLVED that Cllr Simon Inchbald be confirmed as Chairman of the Committee for the Council Year 2015/16.

2. APPOINTMENT OF VICE-CHAIRMAN (Agenda item 2.)

RESOLVED that Cllr Patricia Ellis be confirmed as Vice-Chairman of the Committee for the Council Year 2015/16.

3. MINUTES (Agenda item 3.)

The Minutes of the Meeting held on 19 March 2015 were confirmed and signed.

4. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 4.)

Apologies for absence were received from Cllrs John Fraser, Mike Hodge, Anna James, Libby Piper and Bob Upton. Cllr Nick Williams attended as a substitute.

5. DECLARATIONS OF INTEREST (Agenda item 5.)

There were no interests declared.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

6. BRIDGE STREET, GODALMING - CONFIRMATION OF CONSENT (Agenda item 8.)

6.1 The Licensing and Regulatory Committee, at its meeting on 19 March 2015, supported a request from Godalming Town Council to recommend the designation of Bridge Street, Godalming as a Consent Street for street trading purposes. This was endorsed at the Council meeting of 14 April 2015.

6.2 Under the Local Government (Miscellaneous Provisions) Act 1982, a Notice of Intention was issued on 2 June 2015 informing of the intention to pass a resolution to designate Bridge Street. The Notice was served, as required, on the Highways Authority and the Police.

6.3 The Notice of Intention stated: NOTICE IS HEREBY GIVEN that Waverley Borough Council's Licensing and Regulatory Committee, at its meeting on Thursday 16 July 2015, intends to pass a resolution in the terms of the following draft resolution:-

“RESOLVED that pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction of The Burys to the north and Wharf Street and High Street to the south).”

6.4 If so resolved, a further public notice confirming the resolution and the date of effect must be published for two consecutive weeks in a local newspaper, giving a minimum of 28 days' notice. Assuming the process continues smoothly, the commencement date would be 28 August 2015.

6.5 The Notice of Intention allowed for representations to be received up to 30 June 2015. The only representations received were from the Highways Authority and the Police. The Highways response was received on 3 June 2015. They commented that they can “see there is room fronting the Waitrose car park and [are] happy with the designation on the basis SCC Highways will be able to comment on individual applications as they come forward”. Confirmation of this part of the process was sent to Highways by return.

6.6 The Police response was received on 4 June 2015, raising no objections.

6.7 The Committee now

RECOMMENDS that

- 1. pursuant to paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following street in the Borough of Waverley be designated as a Consent Street: Bridge Street, Godalming (from the junction with The Burys to the north and Wharf Street and High Street to the south); and**

2. **a public notice confirming this decision and specifying the commencement date of 28 August 2015 be published accordingly.**

7. PROPOSED AMENDMENTS TO WAVERLEY BOROUGH COUNCIL STREET COLLECTION GUIDELINES (Agenda item 10.)

7.1 Waverley Borough Council regulates charitable collections in the street. The Council has delegated to its officers the authority to consider and determine applications for street collections, subject to its guidelines, a copy of the current guidelines with proposed amendments added in red are attached at Annexe 1.

7.2 The first of these guidelines states:

The Council will usually permit four collections only per year by any individual or organisation applying.

7.3 The Licensing (General Purposes) Sub-Committee interprets and applies policy and may deviate from policy in exceptional circumstances/ for compelling reasons. Having received an application from 'Go-Godalming' to collect at the Bandstand on fourteen separate occasions, officers requested that the Licensing (General Purposes) Sub-Committee sitting on Monday 22 June 2015 consider the application.

7.4 The series of events that gave rise to the 'Go-Godalming' application that were considered by the Sub-Committee on the 22 June 2015 were a repeat of similar annual programmes which have been held for each of the last nine years. The Sub-Committee felt that they could not be described as exceptional. The Sub-Committee felt that it did not have the power to sanction what had become a routine exception to policy. If such an extensive series of events were to be authorised, the Committee felt that this could only be done following an amendment to the policy and the Committee agreed to ask the Licensing and Regulatory Committee to consider making a recommendation to the Council that the policy be amended.

7.5 The decision of the Sub-Committee was as follows:-

"The Sub-Committee RESOLVED to grant permission for the next three concerts on 28 June, 5 and 19 July. The Sub-Committee gave conditional approval to the following dates 26 July, 9, 16, 23 and 30 August and 6 and 13 September subject to them being consistent with an amended Policy by the Council. However, if the amended policy required changes to printed promotional material, the Sub-Committee would grant exemption for this year only."

7.6 The recommended amendments to the policy would be to add an additional guideline, No.14, which would state:

14. In the event that a collection is requested for a series of community events (between 5 and 20 events) that take place in a public place, other than in the town or village centre, the Head of Policy and Governance in consultation with the Chairman and Vice-Chairman of

the Licensing and Regulatory Committee, will be authorised to issue street collection permits, subject to the following conditions being met:-

- The primary purpose of the series of events is to provide entertainment for the community. The collection of funds shall be incidental to the event.
- Collections made should be to contribute to the cost of staging the event and/or to raise funds for charitable purposes (incidental to the event)
- The organiser of the events cannot include, as part of the costs of staging the event, a payment in any form to him or herself other than to pay for specific costs incurred in relation to the event, supported by documentary evidence
- All applications for collections are to be submitted at least one month in advance of the first event in the series taking place
- All promotional material shall display a prominent statement that people attending will be invited to make a donation, and if relevant, to name the charity or charities which will benefit from the funds;

And to add the following additional wording to the first guideline;

“If you are organising a series of community events, please refer to guideline 14 to see if your events meet the criteria for issuing additional collections”;

And to amend wording in Guidelines 12 and 13 so that the wording is consistent.

7.7 The Committee now

RECOMMENDS that

- 3. the Guidelines for the Grant of Street Collections in Waverley be amended, as set out in Annexe 1, and the Scheme of Delegation to officers be amended accordingly.**

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

8. DECISION-MAKING PROTOCOL FOR SCRAP METAL DEALERS LICENSING
(Agenda item 9.)

RESOLVED that the Waverley Borough Council Decision-Making Protocol for Scrap Metal Dealers Licensing be recommended to the Executive for endorsement.

9. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Agenda item 11.)

RESOLVED that the Minutes of the Meetings of the Licensing (General Purposes) Sub-Committee held on 19 March and 22 June 2015 be noted.

10. MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda item 12.)

RESOLVED that the Minutes of the Meetings of the Licensing Act 2003 Sub-Committee A held on 30 March 2015 and Sub-Committee B held on 13 April 2015 be noted.

The meeting commenced at 10.00 am and concluded at 10.15 am

Chairman