

# General Licensing Committee Agenda



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A meeting of the

## General Licensing Committee

will be held on Wednesday, 8 March 2017 at 2.00 pm

Meeting Room 1, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB

### Members of the Committee:

#### Councillors

Mike Badcock

Eric Batts

Yvonne Constance

Margaret Crick

Charlotte Dickson

St John Dickson

Robert Hall

Jenny Hannaby

Dudley Hoddinott

Chris McCarthy

Julia Reynolds

Reg Waite

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A handwritten signature in black ink that reads 'M Reed'.

Margaret Reed

Head of Legal and Democratic Services

# Agenda

## Open to the Public including the Press

### Council's vision

The council's vision is to take care of your interests across the Vale with enterprise, energy and efficiency.

#### **1. Election of chairman for the remainder of the municipal year**

#### **2. Apologies for absence**

To record apologies for absence.

#### **3. Appointment of vice-chairman for the remainder of the municipal year**

#### **4. Minutes**

(Pages 3 - 4)

To adopt and sign as a correct record the General Licensing Committee minutes of the meeting held on 11 May 2016 (attached).

#### **5. Declarations of interest**

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

#### **6. Urgent business and chairman's announcements**

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

#### **7. Public participation**

To receive any questions or statements from members of the public that have registered to speak.

#### **8. Street trading policy**

(Pages 5 - 8)

To consider the report of the head of legal and democratic services (attached).

### **Exempt information under Section 100A(4) of the Local Government Act 1972**

None



# Minutes

of a meeting of the

## General Licensing Committee

held on the rising of the preceding meeting of the Licensing Acts Committee on 11 May 2016 at The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

Open to the public, including the press

### Present:

Members: Councillors Mike Badcock (Vice-Chairman), Eric Batts, Margaret Crick, Robert Hall, Jenny Hannaby, Dudley Hoddinott, Ben Mabbett, Chris McCarthy, Julia Reynolds and Reg Waite

Officers: Steven Corrigan and Margaret Reed

Number of members of the public: 0

### GL.1 Notification of substitutes and apologies for absence

Apologies for absence were submitted on behalf of councillors Charlotte Dickson and St John Dickson.

### GL.2 Minutes

**RESOLVED:** to approve the minutes of the meeting held on 20 May 2015 as a correct record and agree that the Chairman sign these as such.

### GL.3 Appointment of taxi panels

The committee considered a proposal to appoint sub-committees to consider matters under the Taxi Licensing Policy

#### **RESOLVED:**

- to appoint sub-committees comprising any three members, or their appointed substitutes, of the General Licensing Committee;
- that the sub-committees be known as taxi licensing panels;
- to appoint each member or substitute of the General Licensing Committee to serve on any taxi licensing panel which is convened so as to include her or him in its membership;
- to authorise each taxi licensing panel to discharge all functions relating to matters referred to the committee or to its sub-committees under the Taxi Licensing Policy;
- that, wherever possible, applications should be heard by a panel comprising the chairman or vice-chairman of the committee plus two other members of the

committee, but that this should not affect the principle that any three members or their substitutes of the committee will constitute a properly appointed panel;

- to authorise the head of legal and democratic services to invite an appropriate panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

The meeting closed at 9.04 pm

# General Licensing Committee Report



Report of Head of Legal and Democratic Services

Author: Robert Draper

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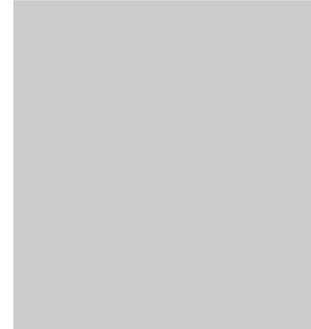
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Wards affected: All

To: General Licensing Committee

DATE: 8 March 2017



## Street Trading Policy

### Recommendations

That the committee:

- 1) passes a draft resolution for public consultation under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate all streets within the district as consent streets for the purposes of street trading.
- 2) authorises the Head of Legal and Democratic Services to:
  - a) make any further minor editorial changes to the resolution
  - b) advertise the proposed draft resolution.

### Purpose of Report

1. To present the General Licensing Committee with a draft resolution to make all streets consent streets for the purposes of street trading under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

### Strategic Objectives

2. To promote economic development through a consistent street trading policy. In addition, it will improve the efficiency of the council licensing team by ensuring consistent and effective enforcement of the Council's policy.

### Background

3. Vale of White Horse District Council adopted the current joint Street Trading Policy in 2014. The new policy has been effective and welcomed by street traders and the public. The council currently has 18 street traders with consents across the district.

There have not been any complaints about these traders since the new policy was introduced. All traders are inspected once per year. An issue has come to light that the original work done on the designation of streets under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 does not designate all streets as consent streets as stated in the policy.

4. A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained. The resolution proposed states that all streets within the district shall be designated as consent streets for the purpose of street trading. Prohibited streets are streets where no street trading may take place. Although there are no prohibited streets within the district council area the A34 is designated as a trunk road and the A420 is a primary route. Oxfordshire County Council Highways department will not support any street trading applications for lay-bys or slip roads along the A34 or A420.

### **Process and next steps**

5. The council's adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 came into force on 15 December 1987. This allows the council to designate streets for street trading purposes.
6. The council needs to approve a resolution that can be published in local papers to consult the public on this designation. The consultation will also be posted on the council's website.
7. The council needs to undertake a 28 day public consultation on the designation of all streets within the districts as consent streets. At the same time officers will serve a copy of the notice on the Police, Highways Authority and other relevant bodies, this notice will contain a draft of the resolution.
8. After the 28 day consultation period officers will consider the consultation responses and come back to the committee which may, if it thinks fit, pass the resolution for approval and publication confirming the designation of streets within the district.
9. The council needs to publish the final resolution in local papers and on the council website.
10. The designation of the streets shall take effect on the day specified in the resolution which must not be before the expiration of the period of 28 days beginning with the day on which the resolution is passed.

## **Proposed Resolution**

11. The following resolution is proposed:

That with effect from 17 July 2017 for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 all streets within the district shall be designated as consent streets for the purposes of street trading.

## **Financial Implications**

12. Failure to designate all streets as consent streets will significantly undermine the council's ability to enforce the current Street Trading policy. A lack of enforcement could lead to traders refusing to pay for street trading consents and a subsequent loss of income.

## **Legal Implications**

13. Failure to designate all streets as consent streets would significantly undermine the council's ability to enforce the current Street Trading policy and legislation within the district.

## **Risks**

14. Failure to meet the requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4, in the policy for street trading could result in the council not complying with the legislation. Having a clear policy helps to ensure that decisions comply with the legislation and are made fairly and consistently.

## **Conclusion**

15. That the committee:

- 1) passes a draft resolution for public consultation under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate all streets within the district as consent streets for the purposes of street trading.
- 2) authorises the Head of Legal and Democratic Services to:
  - a) make any further minor editorial changes to the resolution.
  - b) advertise the proposed draft resolution.

## **Background Papers**

None

VOWHDC Street Trading Resolution notice 2017

Vale of White Horse District Council

Notice of intention to pass a resolution under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, with regard to street trading.

Notice is hereby given that the Vale of White Horse District Council intends to pass the following resolution:-

That with effect from 17 July 2017 for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 all streets within the district shall be designated as consent streets for the purposes of street trading.

Persons wishing to make representation in respect of the proposed resolution should do so to the Licensing Team no later than 24 April 2017.

Vale of White Horse District Council, 135 Eastern Avenue, Milton Park,  
Abingdon, OX14 4SB

Dated 27 March 2017