

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 30 June 2015

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.18pm.

***1 Chairman's introduction**

The Chairman welcomed the committee, in particular the newly elected members. He emphasised the need for team work between the Chairman, Vice Chairman, supporting officers and committee members to undertake the overview role successfully.

The Chairman asked for nominations for Vice Chairman in Councillor Allen's absence. Councillor Graham Godbeer was nominated as Vice Chairman for the meeting.

***2 Public Speaking**

Richard Eley of Sidmouth Chamber of Commerce reported that he and the Chamber of Commerce were against any change to the current Street Trading Consents and saw no advantage to the town from these proposed changes. He did not want a free for all in the town and felt that the current system operated successfully. He was also concerned about the future costs of the scheme to the taxpayer and who would enforce the scheme, due to lack of officer time.

Jo Frith of Sidmouth Vision Group requested that the Committee include the specification of, and consultation about, the new Recycling and Refuse Contract in their work programme for the forthcoming year. She was concerned that any new contract should include the collection of Absorbent Hygiene Products. She asked would residents prefer a weekly collection of cardboard or of Absorbent Hygiene Products, which was carried out by many other local authorities.

In response to Jo Frith, the Chairman, advised that the Scrutiny Committee had already set aside their meeting on 10 December to look at the feedback from the refuse and recycling trial for Feniton and part of Exmouth.

***3 Role of the committee**

The committee discussed a briefing paper outlining the principles of overview and the purpose of the committee as set out in the Council's constitution. A scoping template was set out in the briefing paper to which members were encouraged to familiarise themselves. Members were encouraged to think of other scoping questions.

Councillor Matthew Booth expressed a concern about the frequency of meetings and whether there was the possibility for Members to explore topics outside of committee meetings. The Strategic Lead – Legal, Licensing & Democratic Services reported that if the committee's workload dictated then additional meetings of the committee could be arranged.

4 Street Trading – Designation of streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1983

The Committee received the report of the Licensing Manager. This set out the background of a request to the Licensing and Enforcement Committee for authority for public consultation to be undertaken on changing the current Street Trading arrangements within

East Devon. This would provide more flexibility whilst allowing the Council to retain its control on the issue of Street Trading Consents.

This proposal would make the whole of East Devon a Consent area for the purposes of Street Trading, abolishing the current piecemeal system of Prohibited and Consent Streets. It was noted that in some towns such as Ottery St Mary there were no Prohibited or Consent Streets, meaning that Street Trading could not be effectively controlled. Each request for Consent for Street Trading would be considered on its merits and if necessary be considered by a meeting of the Licensing & Enforcement Sub Committee, which would have the final decision, as there was no appeal mechanism under the Local Government (Miscellaneous Provisions) Act 1983. South Somerset District Council and Taunton Deane Borough Councils had both introduced the 'Consent Street' system and found that it had been very successful, particularly at reducing unregulated trading in lay-bys, which was a particular problem for these authorities.

Councillor Steve Hall, Chairman of the Licensing & Enforcement Committee, spoke in support of designating all streets in East Devon as 'Consent Streets'.

Debate on the issue also included:

- Fees from Consent Streets would pay for staff to enforce this;
- There had been no discussion about the Council running its own markets;
- The current enforcement of Prohibited Streets was de facto the responsibility of the Licensing Service;
- Concern expressed that there would be less control if the new system was operated;
- Prohibited streets had been introduced in Exmouth, due to concerns expressed by shops that street traders were not paying rates etc and this was unfair to those shop owners who were;
- The need for a clear and consistent policy for all Consent Street applications;
- Consent Streets in Exmouth should be limited to The Strand, Magnolia Centre and parts of Queens Drive;
- Parish and Town Councils would be consulted before any decision was taken;
- The Council should be supportive of existing businesses and there was concern expressed on the effect that this proposal would have on them;
- The policy for Consent Streets could include a proposal that consents would not be granted that could be detrimental to adjacent businesses;
- The current Street Trading policy had worked well in East Devon and there was not the appetite for change amongst local residents;
- Any fees charged by the Licensing Service must recover costs and should not be to make a profit for the service;
- Possible introduction of a trial area for 'Consent Streets' to help promote trust;
- The introduction of 'Consent Streets' was a means of controlling ad hoc traders and could be seen as a benefit to achieve this.

In response from a question from Councillor Mike Howe, the Licensing Manager explained the procedure, timescale, consultation framework and costs of introducing Consent Streets in East Devon. Councillor Howe expressed a view that particular account should be taken of the views of Parish and Town Councils for Consent Street applications, as they understood their local area and the views of local residents.

RECOMMENDED

That Town and Parish Councils be consulted on the following:

- a. Rescinding the Council's past resolutions to designate streets as "Prohibited Streets";
- b. To replace all previous resolutions designating 'Consent Street' with a new resolution to designate all 'streets' in East Devon as 'Consent Streets' as defined in schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Meaning all roads, footways, service areas (as defined by section 329 of the Highways Act 1980), beaches or other areas to which the public have access without payment in East Devon would be designated as 'Consent Streets' for the purposes of Street Trading;

Before any formal consultation on the process is initiated to introduce designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1983.

***5 Overview forward plan**

The committee discussed items for the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

Members discussed the possibility of a joint meeting with Scrutiny Committee to discuss the new Refuse and Recycling contract. Members also discussed consideration of planning policy issues and whether the Overview Committee was the correct forum to discuss these issues as it was not a decision making body and input from Development Management Committee was needed on these matters. The Committee accepted that Planning policy issues would be programmed to be discussed at the 26 January 2016 meeting.

The Committee considered whether having a presentation from the North Devon Healthcare NHS Trust would be appropriate at the meeting on 26 January and Debbie Meakin, Democratic Services Officer agreed to speak to the CCG on this issue and report back to the Committee at the next meeting.

RESOLVED

That the forward plan include:

11 August 2015 - Joint meeting with Scrutiny Committee on Moving and Improving.

22 September 2015 – Presentation from Economic Development Manager – focus on the Economy Plan and the Rural Economy.

17 November 2015 – Council Plan

13 January 2016 – Draft service plans and budget 2016/17 jointly with Scrutiny Committee.

26 January 2016 – Discussion on planning policy and how this should be dealt with within the Council, possibly through a separate planning policy committee. Also Coastal Flooding and the Shoreline Management Plan.

22 March 2016 – Sustainability.

Attendance list

Present:

Peter Bowden (Chairman)

Matthew Booth

Peter Faithfull

Graham Godbeer

Pat Graham

Maria Hale

Ian Hall

John Humphreys

Rob Longhurst

Christopher Pepper

Also Present:

David Barrett

Alan Dent

Jill Elson

Steve Hall

Mike Howe

Bebn Ingham

Geoff Jung

Pauline Stott

Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services

John Tippin, Licensing Manager

Debbie Meakin, Democratic Services Officer

Chris Lane, Democratic Services Officer

Apologies:

Mike Allen

Rob Longhurst

Andrew Moulding

Tom Wright

Chairman

Date.....