

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 29 November 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.05pm.

***15 Public speaking**

There were no public speakers at the meeting.

***16 Minute confirmation**

The minutes of the Overview Committee held on the 27 September 2016, were confirmed as a true record.

***17 Declarations of interest**

Councillor Rob Longhurst

Minute 19

Personal Interest – runs a craft fair in Exmouth Pavilion

Councillor Pat Graham

Minute 19

Personal Interest – Member of Exmouth in Bloom who run stall located in the Strand

18 Street markets and trading consultation

The committee considered the findings of the street markets and street trading consultation exercise. The results of the consultation showed overall that there is a desire to extend street trading opportunities in East Devon, with an exception of Sidmouth (where the response was overwhelmingly against any relaxation of existing restrictions) and some businesses with fixed premises.

During discussions, the following points and questions were raised:

- 'Consent' street meant that consent had to be sought from the Council for trading;
- This was an opportunity for the council to rescind all previous designations of streets to start again;
- Definition of a 'street' was set out clearly as "including any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street";
- A time limited 'consent' designation for Folk Week in Sidmouth was possible with the remaining time each year being a designation of 'prohibited';
- Resource implications would come forward in a future report once the next round of consultation was complete. The intention was for the service to be cost neutral, by means of setting the appropriate fee to cover the administration. In response to a question on transferring this responsibility to town and parish councils, advice was that legislation currently provides for consent to be given by the District Council; and that even by manipulation of block consent to town or parish councils, this would only shift the administrative burden to those town or parish councils with considerably less resource to deal with individual applications;
- Town and parish councils would continue to be involved in being a consultee for an application;
- Introduction of the proposed changes to designated streets would allow the Council to better regulate some current trading that does not have consent;

- The draft Street trading Consents policy and application guidance sets out the criteria that an application must meet. This includes factoring in the quality of the product the trader is offering, and how they may impact on nearby businesses in fixed premises;
- Consideration will be given to the practicalities of a 'Chairman delegation scheme', as is utilised by the Development Management service;
- Undertaking a pilot scheme would incur the same level of cost and legalities as the change proposed, thereby increasing the overall cost if including a pilot;
- Applications could be made for block consents as well as individual stall consents.

The Licensing and Enforcement Committee Chairman spoke in support of the proposal to change the designation of streets, commenting on the past evidence that demonstrated the benefits street trading can provide to towns. He also felt that the proposed policy was sufficiently robust in giving protection to towns and parishes.

An amendment to the recommendation to remove the reference to Sidmouth, thereby recommending that the whole District was consulted upon to have all streets designated as 'consent' was put to the vote and lost.

RECOMMENDED to Cabinet, and to Licensing and Enforcement Committee:

1. That the Licensing and Enforcement Committee authorise public consultation (in accordance with the legislative requirements) on a proposal to:
 - a. Rescind all the Council's previous resolutions to designate streets as 'Prohibited Streets' within the District, and
 - b. Resolve to designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth (as listed) which shall be 'Prohibited Streets' except during Folk Week.
2. That the Licensing and Enforcement Committee receive a further report which considers the representations made during the public consultation exercise and which makes further recommendations as to the approach to be adopted by the Council to street trading. Should this approach be to resolve to make additional consent streets then the report shall also detail for the Committee to consider; the likely resource implications, fees to be charged for consent, the Street Trading policy proposed to be adopted and standard conditions to be imposed on any consent granted.

***19 Overview forward plan**

The Chairman encouraged the committee to attend the next meeting on Draft Budgets on the 18 January 2017.

The Chairman and Vice Chairman would also consult to bring forward future items for the committee to consider.

Attendance list

Councillors Present:

Peter Bowden (Chairman)
Graham Godbeer (Vice Chairman)
Peter Faithfull
Ian Hall

Rob Longhurst
Pat Graham
John Humphreys

Councillors Also Present:

Steve Hall
Pauline Stott
Geoff Jung
John Dyson

Officers

Richard Cohen, Deputy Chief Executive
Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services
Debbie Meakin, Democratic Services Officer

Councillor Apologies:

Mike Allen
Tom Wright
Jill Elson

Chairman Date.....