

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 15 March 2023

Attendance list at end of document

The meeting started at 10.02 am and ended at 11.10 am

27 Public Speaking

Cllr Louise Cole, Sidmouth Town Council, read out a letter from the Chair of Sidmouth Town Council regarding the summary of responses to the recent consultation on the Street Trading Policy. The Town Council was concerned that the public's objections to the proposals was based on a lack of understanding and a fear that any change to the Street Trading Policy would allow anyone to set up a street stall at any time in the designated streets. The Town Council was of the view that greater flexibility in the Policy would be beneficial for Sidmouth. The Town Council requested that the Committee reconsider a greater flexibility for specific named events to enable the town to better manage the large visitor numbers and associated need for food and drink, particularly with regard to the Regatta weekend at the end of August.

Cllr Cole noted that the inclusion of the list of prohibited streets in the consultation had resulted in fear and confusion among the public. The Town Council worked hard to promote Sidmouth and felt that the town would benefit from greater flexibility for street trading for specific events.

28 Minutes of the previous meeting

The minutes of the meeting held on 7 December 2022 were agreed and signed as a correct record.

29 Declarations of interest

There were no declarations of interest.

30 Matters of urgency

There were no matters of urgency.

31 Confidential/exempt item(s)

There were no confidential or exempt items.

32 Street Trading Policy update

The Licensing Manager presented the Street Trading Policy update report and highlighted the following points:

- The Committee had approved the consultation at the meeting in December 2022 which included a review of street trading application fees.
- The designation of prohibited streets applied solely to Sidmouth, with the list of current prohibited streets shown at Appendix B.
- It was noted that the list of streets in Appendix C was incorrect and confirmed that the designated streets under discussion are as listed in Appendix B.

- A large proportion of responses to the consultation were specific to Sidmouth, with objections to any further relaxation of designated prohibited streets.
- It was noted that the current Street Trading Policy designates the Sidmouth Esplanade and Promenade as a consent street, but only during Sidmouth Folk Week and for the purposes of the sale of craft items only, not including food and drink items, so as not to conflict with local hospitality businesses.
- Other responses to the consultation referred to Axminster and Cranbrook.
- There is a need for a revised, fit for purpose Street Trading Policy to be in place by the start of the new civic year in May, as the policy covers the whole district.
- Any change to the consultation draft of the policy at this stage would legally require a further consultation to be held.

Questions from Members and discussion included the following points:

- The comments regarding the consultation were noted, however, it was difficult to predict what would be the response from Sidmouth residents if a further consultation was held.
- Should a further consultation be held, this would delay the adoption of the Street Trading Policy and would leave the whole district without a fit for purpose policy over the summer months and during the first months of a new Council term following the election in May.
- It was noted that any extension of the consent time applying to the Sidmouth Esplanade and Promenade would result in those areas being open for any application at any time.
- Officers would be happy to discuss greater flexibility with Sidmouth Town Council going forward but any change at this stage would require further consultation.
- Sidmouth Town Council would need to specify exactly what they would wish to happen regarding street trading on the Esplanade and Promenade and that this should be linked to particular events rather than dates.
- It was noted that Officers had worked closely with Cranbrook Town Council as a consultee in order to establish an appropriate framework for Cranbrook. Officers would be happy to work with Sidmouth Town Council, although authority to grant licences could not be delegated.

RESOLVED

1. That the Committee notes the results of the public consultation exercise undertaken (Appendix A of the report)
2. That the streets as currently designated in East Devon (set out in Appendix B of the report) be kept
3. That the Street Trading Policy (set out in Appendix C of the report) be approved
4. That the Committee recommends to Council that the fees be applied to all applications received for Street Trading Consent from 1st May 2023 as set out in Appendix C of the report
5. That the Committee will revisit the issue of including specific events for the consent of the Esplanade and Promenade in Sidmouth after the start of the new civic year in consultation with Sidmouth Town Council.

The Chair thanked Cllr Cole for attending the meeting.

The Chair also thanked the Licensing Manager for his work and support for the Committee. The Licensing Manager wished to record his thanks to the Licensing Street Trading Support Officer and the Licensing Support Officer for their work on the Street Trading Policy and consultation.

33 Quarterly update report

The Licensing Manager presented the quarterly report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005,

Taxi legislation and General Licensing including Street Trading and Pavement Licences. The following points were highlighted:

- Since the report was published, the Licensing & Enforcement Sub Committee hearing of 7 March 2023 had been held and the premises licence had been granted.
- The Licensing team continued to investigate complaints with regard to taxis and advice for the public had been issued. The online complaints reporting tool was now live on the EDDC website.
- Officers had prepared additional signage to enable the easy identification of EDDC licenced vehicles and examples were shown to Members.
- It was noted that there is scope for a further Catching a Taxi Safely information campaign over the summer months.

The Chair expressed concerns which had arisen as a result of the Licensing and Enforcement Sub Committee hearing of 7 March 2023 regarding the need to more fully understand the Police process for commenting on premises licence applications and the reasons and justification for coming to an agreed position with applicants. There was concern that this process did not give the Committee and Sub Committee the opportunity to consider what the night time economy of a location should look like, or to come to a position which was different from that agreed between the Police and the applicant.

It was agreed that it would be helpful to invite Inspector Antonia Weeks to a future meeting to discuss the Committee's concerns.

The quarterly update report was noted.

The Chair thanked the Licensing Manager for his work and support.

Attendance List

Councillors present:

J Whibley (Chair)
O Davey
A Dent
P Jarvis
B Taylor
T Wright (Vice-Chair for this meeting)

Councillors also present (for some or all the meeting)

Officers in attendance:

Zoe Jones, Licensing Support Officer (Street Trading)
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Stephen Saunders, Licensing Manager

Councillor apologies:

K Bloxham
M Chapman
S Gazzard
T Woodward

Chair

Date: