



MINUTES

LICENSING COMMITTEE

FRIDAY, 7 JULY 2006

COMMITTEE MEMBERS PRESENT

Councillor Reginald Howard
Councillor Mrs Maureen Jalili
Councillor Alan Parkin
Councillor Mrs Angeline Percival
Councillor Mrs Margery Radley

Councillor Frank Turner (Vice-Chairman)
Councillor Graham Wheat
Councillor Mrs Mary Wheat (Chairman)
Councillor Mike Williams

OFFICERS

Clerk to the Committee
Assistant Solicitor
Environmental Health Practitioner
Environmental Health Practitioner
(Licensing)
Committee Support Officer

6. APOLOGIES

Apologies for absence were received from Councillor Mrs Bosworth.

7. DECLARATIONS OF INTEREST

No declarations of interest were made.

8. MINUTES OF MEETING HELD ON FRIDAY 2ND JUNE 2006

The minutes of the meeting held on Friday 2nd June 2006 were approved as a correct record of the decisions taken.

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: STREET TRADING CONSENTS

Decision:-

- (1) *The whole of the South Kesteven area be designated a consent area for the purposes of street trading from 1 September 2006.*
- (2) *Statutory notices be given of the council's intention to pass a resolution pursuant to Schedule 4 of the Local Government*

(Miscellaneous Provisions) Act 1982. Notices to this effect be placed in local newspapers for two consecutive weeks, the first publication being at least 28 days before the day specified in the resolution for the coming into force of the regulatory scheme.

- (3) Any consents granted be in respect of any period up to a maximum of 12 months, revocable at any time.***
- (4) Conditions may be imposed on the grant or renewal of a street trading consent such as the council consider reasonably necessary.***
- (5) The Licensing Committee designates powers to authorised officers of Environmental Health and Licensing to decide whether a location is suitable to trade on safety grounds, unfair competition etc.***
- (6) That these officers have the authorisation to determine the type of goods and vehicles that may be used according to the area requested. For example, anybody wishing to trade in a conservation area does so only from traditional style barrows/vehicles, selling traditional ware, crafts, foods, etc.***

The Environmental Health Practitioner presented report ENV357 on behalf of the Head of Environmental Health and Licensing. This set out the results of consultation initiated by the committee in March 2006 on whether or not to designate the whole of the district as a consent area for the purpose of street trading. Comments from the Assistant Solicitor and a representation from Lincolnshire County Council's highways section were appended to the report. The County Solicitor had raised one issue relating to public safety but this had been resolved with the Environmental Health and Licensing section, who would carry out risk assessments and observe its duty of care.

The committee discussed the representation from the county council, which, although stating that it was not making an objection, was ambiguous. The role of the county council was clarified, in that it could over rule the granting of a street trading consent by the committee, should it believe that there was a risk to public safety.

The committee asked for clarification on a number of issues. The officers confirmed that they considered it appropriate to consider the issue of competition when determining street trading consents; each application would be determined on its own merits; no representation had been received from the Highways Agency, and no objection had been received from the police.

The recommendations set out in report ENV357 were moved, seconded and approved.

10. CLOSE OF MEETING

The meeting closed at 9.50a.m.