

Minutes

Name of meeting	LICENSING COMMITTEE
Date and time	MONDAY, 14 JULY 2008 COMMENCING AT 4.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Ivan Bulwer, George Cameron, Mike Cunningham, Arthur Taylor, David Whittaker
Officers Present	David Curtis-Botting, Laura Gaudion, Warren Haynes, Julie Martin
Apologies	Henry Adams, Barbara Foster

1. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [14 January 2008](#) be confirmed.

2. **Declarations of Interest**

There were no declarations received at this stage.

3. **Report of the Head of Consumer Protection**

Adoption of the Isle of Wight Council Interim Statement of Licensing Policy (Street Trading Consents)

The Committee was advised that on 20 April 2004 the Isle of Wight Council decided that, for the purposes of street trading all current and future streets, council car parks, recreation grounds and open spaces along with public parks, gardens, amenity areas, sports areas, play areas and parking bays adopted by the council in the Isle of Wight would be adopted as "consent streets". That came into effect from 28 May 2004. Also on that date the Isle of Wight Council adopted its Street Trading Policy (The Policy), which took immediate effect.

During 2007 a number of applications to the Council for street trading consents identified anomalies when applying The Policy, particularly in relation to street markets. The issue was brought to the Committee at its meeting 16 July 2007.

At that meeting the Committee resolved to revoke The Policy and to determine all applications for a street trading consent in accordance

with The Act, the rules of natural justice and the Council's adopted scheme of delegations. Members also resolved that the existing procedure must be reviewed and a new policy created in respect of street trading on the Isle of Wight.

Members were advised that the appropriate way to regulate street trading on the Isle of Wight in respect of markets was by way of a street trading licence. In order to achieve that, the Council must identify and designate certain streets as licence streets instead of or as well as, consent streets. That would involve a period of essential consultation to determine the views of all stakeholders and before passing a resolution a council must comply with the provisions of the Act. It was thought that the process would take 12 - 18 months before implementation.

The following changes to the Policy were agreed :

1. Page B -11 Definition 11 to be removed.
2. Page B -12 paragraph 4.1 the correct deep link to the web address to be included.
3. Page B -13 paragraph 4.3 to be reworded as follows: *A street trading consent application will not be considered until at least 25% of the total fee has been paid.*
4. Page B -14 paragraph 6.1 final bullet point remove the words "they are"
5. Page B -15 paragraph 7.1 after the last bullet point insert the word "unless it is the applicant"
6. Page B -16 paragraph 9.1 to be reworded as follows: *Attendance at the LSC will not always be necessary when determining the grant or renewal of a street trading consent@.*
7. Page B -17 include additional paragraph 11.6 as follows: "A street trading consent will not be granted until the fee has been paid in full or unless agreement in writing has been obtained from the Council which contains details of payments of the fee by instalments. Payments by instalments will only apply to markets".

RESOLVED :

- (a) THAT the Isle of Wight Council Interim Street Trading Policy be adopted to include the following changes :
 - (i) Page B -11 Definition 11 to be removed.
 - (ii) Page B -12 paragraph 4.1 the correct deep link to the web address to be included.

- (iii) Page B -13 paragraph 4.3 to be reworded as follows: *A street trading consent application will not be considered until at least 25% of the total fee has been paid.*
 - (iv) Page B -14 paragraph 6.1 final bullet point remove the words *"they are"*
 - (v) Page B -15 paragraph 7.1 after the last bullet point insert the word *"unless it is the applicant"*
 - (vi) Page B -16 paragraph 9.1to be reworded as follows: *Attendance at the LSC will not always be necessary when determining the grant or renewal of a street trading consent@.*
 - (vii) Page B -17 include additional paragraph 11.6 as follows: *"A street trading consent will not be granted until the fee has been paid in full or unless agreement in writing has been obtained from the Council which contains details of payments of the fee by instalments. Payments by instalments will only apply to markets".*
- (b) THAT all future applications for street trading consents be determined in accordance with the Local Government (Miscellaneous Provisions) Act 1982, the Policy and the rules of natural justice.
 - (c) THAT decisions to determine uncontested applications be delegated to officers.

CHAIRMAN