



Minutes

Name of meeting

LICENSING COMMITTEE

Date and time

16 JULY 2007 COMMENCING AT 2.00 PM

Venue

COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT

Present

Cllrs Susan Scoccia (Chair), Henry Adams, Ivan Bulwer, George Cameron, Mike Cunningham, Brian Mosdell, Arthur Taylor

Officers Present

Mr David Curtis-Botting - Senior Licensing Officer. Miss Andrea Lisseter - Committee Administrator, Mr Justin Thorne - Legal Advisor

Apologies

Cllrs Charles Chapman, David Whittaker

7.

Minutes

Members noted that a report was due to come back to the Committee regarding the Council's policy on Game Licenses. The Chair agreed to follow this up.

RESOLVED:

THAT the Minutes of the meeting held on [25 April 2007](#) be confirmed.

8.

Declarations of Interest

There were no declarations received at this stage.

9.

Regulatory Committee Minutes

RESOLVED:

THAT the Minutes of the last meeting of the Regulatory Committee held on 2 April 2007 be agreed.

10.

Report of the Head of Consumer Protection

Revocation of the Isle of Wight Council Street Trading Policy

Members were asked to consider revoking the existing Street Trading Policy and determine street trading consents in accordance with the Local Government (Miscellaneous Provisions) Act 1982 until a new policy was adopted.

The Senior Licensing Officer set out the reasons to support the request to revoke the existing policy and identified the anomalies which had occurred with applications for street trading consents.

In the existing policy there was a requirement to give 60 days notice of an application; however, there was no obvious reason for this 60 day period. There was also a requirement for applicants to produce 3 colour photographs with their application which proved difficult for some applicants without an existing stall, barrow or cart. There was also a requirement for stalls, barrows and carts to be inspected which was not always possible.

The 14 day consultation period in the existing policy was believed to be insufficient and should be extended to be more inclusive to town and parish Council's. The current policy referred applications to the Committee which were felt to be unjustified and arbitrary which resulted in taking up Officer and Member time in meetings. A revised policy would provide officers with the delegated powers to deal with minor issues.

A review of markets was currently being undertaken as currently the Licensing, Highways and Events departments all dealt with different aspects of an application and it was felt that a central point of contact for markets was required.

The current policy did not allow applicants the right to appeal. Any deviation from the policy could only be appealed against by judicial review at great cost to the Council.

It was anticipated that the new policy would be brought to the Licensing Committee within three months. A common sense approach would take place between revoking the existing policy and the implementation of a new policy. Officers would determine all consents in accordance with the Local Government (Miscellaneous Provisions) Act 1982 until a new policy was adopted.

The proposal to revoke the existing Street Trading Policy was proposed and seconded.

RESOLVED:

- (i) THAT the existing Street Trading Policy be revoked with immediate effect; and
- (ii) THAT all applications for street trading consents be determined in accordance with the Local Government (Miscellaneous Provisions) Act 1982, the rules of natural justice and the Council's adopted scheme of delegations
- (iii) THAT the existing street trading procedure be reviewed and a new policy be created in respect of street trading in the Isle of Wight.

CHAIRMAN