

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 8 February 2018 commencing at
2:30 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor J Greening

and Councillors:

K J Berry, G F Blackwell, A J Evans, R Furolo, P A Godwin, R M Hatton, A Hollaway,
A S Reece, H A E Turbyfield, M J Williams and P N Workman

LIC.9 ANNOUNCEMENTS

9.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

10.1 Apologies for absence were received from Councillors G J Bocking and J E Day. There were no substitutions on this occasion.

LIC.11 DECLARATIONS OF INTEREST

11.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

11.2 There were no declarations made on this occasion.

LIC.12 MINUTES

12.1 The Minutes of the Licensing Committee meeting held on 15 June 2017, the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meeting held on 25 July 2017 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 21 July, 26 October and 16 November 2017, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.13 REVIEW OF STREET TRADING POLICY

13.1 Attention was drawn to the report of the Licensing Officer, circulated at Pages No. 27-53, which asked Members to approve a minor amendment to the Street Trading Policy.

13.2 Members were informed that the Local Government (Miscellaneous Provisions) Act 1982 allowed local authorities to adopt provisions to control street trading in their areas. Tewkesbury Borough Council had adopted provisions to designate a number of streets in the Borough as "prohibited streets" where street trading could

not take place; all other streets in the Borough had been designated as “consent streets”. The Council’s Street Trading Policy provided guidance to applicants, Officers, Members and the general public on the way in which the Council controlled street trading in the borough. It also aimed to ensure consistency and fairness in the Council’s decision-making process. It was good practice for all policies to be subject to periodic review to ensure they remained relevant and appropriate; as the Street Trading Policy had been adopted in 2011 it was considered prudent that it be reviewed. The Licensing Officer explained that only one amendment was proposed in relation to the inclusion of a definition of “Prime Sites”. The definition had been taken from the Street Trading Consent Fees 2013 document and was highlighted at Paragraph 2.3 of the Policy, attached at Appendix 1 to the report. Members were asked to approve the minor amendment.

13.3 A Member drew attention to the street trading consent application form, attached at Pages No. 43-48 of the report. She was very surprised there was no requirement for applicants to undergo background checks given that they could be in regular contact with children e.g. street traders selling ice cream / hot dogs etc. The Licensing Officer clarified that there was no statutory requirement for street trading applicants to undergo a Disclosure and Barring Service (DBS) check, although some licensing authorities did require a basic DBS disclosure. He undertook to carry out some research with a view to incorporating this into the policy for applicants depending on their likely contact with children. The Head of Community Services pointed out that any further amendments would be subject to public consultation and, in response to a Member query, he confirmed there was no reason this could not be done in advance of the next Committee meeting.

13.4 It was subsequently

RESOLVED

1. That the minor amendment to the Street Trading Policy at Paragraph 2.3 be **APPROVED**.
2. That consideration be given as to whether it would be appropriate to require applicants to undergo a basic Disclosure and Barring Service (DBS) check, depending on their likely contact with children, and that a report be brought back to the Licensing Committee meeting in June.

LIC.14 LICENSING AUDIT ACTION PLAN

14.1 The report of the Environmental Health Manager, circulated at Pages No. 54-67, provided an update on the internal audit of the Council’s licensing function. Members were asked to consider the action plan to address the issues identified in the audit.

14.2 The Environmental Health Manager advised that an internal audit of the Council’s licensing functions had been carried out in October 2017. The internal audit report had made a number of recommendations, attached at Appendix A to the report, predominantly relating to procedural improvements to the administration of the various licensing regimes. An action plan had subsequently been put in place to deliver the recommendations and this was attached at Appendix B to the report. Members were advised that the majority of issues were administrative e.g. how software programmes such as Uniform were used to record data. One of the issues related to Lifting Operations and Lifting Equipment Regulations (LOLER) which required a range of equipment to undergo a certification process to ensure that things could be lifted safely. This applied to licensed vehicles that were adapted to lift disabled access vehicles; currently, there was no requirement in the Hackney Carriage and Private Hire Licensing Policy for LOLER certificates to be submitted so this was a recommendation of the internal audit and had been included in the action plan.

14.3 In response to a query, the Head of Community Services advised that, historically, a reactive approach had been taken in terms of responding to complaints about licensed premises; however, it was good practice to have a programme of inspections to ensure they were complying with conditions. It was intended to visit all licenced premises in the borough over the course of one year and assign them a risk rating. The majority of premises were expected to be low or medium risk – an example of a high risk premises was a nightclub which could accommodate 2,000-3,000 people who would potentially all be leaving at the same time in the early hours of the morning and there was nothing like this within Tewkesbury Borough. A programme of inspections would be compiled based on the risk ratings which would ensure that premises were visited at least once every two to three years. It was noted that the Environmental Health team already visited premises to carry out food inspections but it was important that they were also assessed from a licensing perspective.

14.4 A Member indicated that the action plans received by the Overview and Scrutiny Committee used a smiley face system to give a visual indication as to how they were progressing and she asked that something similar be used in these reports going forward. It was subsequently,

- RESOLVED**
1. That the action plan to address the issues identified by the licensing internal audit be **NOTED**.
 2. That the action plan be amended to incorporate a smiley face system to give a visual indication of progress and that updates be brought to the Licensing Committee going forward.

LIC.15 SEPARATE BUSINESS

15.1 On a proposal from the Chair, it was

- RESOLVED** That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.16 SEPARATE MINUTES

16.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 21 July, 26 October and 16 November 2017, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 2:55 pm