

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 26 October 2023 commencing at 1:00 pm

Present:

Chair

Councillor G M Porter

and Councillors:

P A Godwin and A Hegenbarth

LSB/B.34 ELECTION OF CHAIR

34.1 It was proposed, seconded and

RESOLVED That Councillor G F Porter be appointed as Chair for the meeting.

LSB/B.35 ANNOUNCEMENTS

35.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.36 DECLARATIONS OF INTEREST

36.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

36.2 There were no declarations made on this occasion.

LSB/B.37 APPLICATION FOR A STREET TRADING CONSENT - TEWKESBURY CHRISTMAS MARKET

37.1 The report of the Licensing Team Leader, circulated at Pages No. 1-11, outlined an application for a street trading consent for the Tewkesbury Christmas Market taking place on 19 November 2023. The Sub-Committee was asked to determine whether or not to grant the street consent and whether to permit the event on an annual basis, subject to the necessary renewal application being made.

37.2 The Licensing Team Leader advised that the Tewkesbury Christmas Market was an event due to take place on the High Street, Barton Street and Church Street in Tewkesbury. No objections had been received during the consultation. A request to waive the fee for the application had been approved by the Director: Communities under delegated authority. The reason for the application being brought to the Licensing Sub-Committee for determination was because the event was due to take place on prohibited streets which meant that no street trading applications could be made for that area. The Sub-Committee was requested to consider overriding this

restriction to allow trading to take place on the prohibited streets and to consider permitting the event on an annual basis, subject to a renewal application being made. The Licensing Team Leader explained that the event had been running for a number of years and due to lack of resources within the Licensing team, several events, including this one, had not been licensed. The transformational changes to the team over the last 18 months had brought these to light, hence why the application was before Members today.

- 37.3 As there were no questions for the Licensing Team Leader, the Chair invited the applicant to address the Sub-Committee. It was noted that the applicant had brought another representative from the organising committee to the meeting to offer support. The applicant explained that the event had been running for around 20 years and himself and the representative in attendance had been on the organising committee for eight years with management responsibilities for the last three. The event had operated on Barton Street and Church Street when it had returned after the COVID pandemic and it involved 80 market traders, fairground rides etc. The event itself ran from 1200 hours to 1800 hours with the Christmas lights switched on at 1700 hours. All stalls were in the middle of the streets so they did not block any shops or access and the event was a good fun day for all the family.
- 37.4 A Member asked for further details of the structure of the stalls and clarification was provided that the measurements in the application were in metres. The stalls and gazebos were hired from Cotswold Markets and were standard sizes. Another Member asked where the generators were located and was advised there were three spread out across the site – these were used for the fairground rides, there was no power for lighting. A Member noted there would be a number of stalls selling food items and asked if they had provided food hygiene certificates. The applicant confirmed that all stall holders provided food hygiene certificates and public liability insurance certificates and this information was contained within the event plan that had been submitted to the Council.
- 37.5 The Chair asked the applicant and the member of the organising committee to withdraw with the Licensing Officers whilst the Sub-Committee made its decision.
- 37.6 In accordance with Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) and having considered the report, the oral representations made at the meeting, the relevant legislation and Tewkesbury Borough Council's Street Trading Policy, it was

RESOLVED That the street trading consent be **GRANTED** and that the event be permitted on an annual basis, subject to the necessary renewal application being made.

The applicant was invited back to the meeting to hear the decision of the Licensing Sub-Committee. The applicant was advised that the Licensing Sub-Committee had made its decision on the basis that the event had taken place for a number of years with no issues or problems being raised during the time it had been running and the organisers had completed all other necessary procedures as required. No representations had been received from the responsible authorities and no objections had been raised during the consultation. The Sub-Committee was happy for the event to be held on an annual basis, provided that the necessary renewal application was submitted.

LSB/B.38 SEPARATE BUSINESS

38.1 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.

LSB/B.39 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

39.1 The Licensing Sub-Committee **REFUSED** an application for a private hire driver's licence as the applicant could not be considered a fit and proper person to hold such a licence.

LSB/B.40 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

40.1 The Licensing Sub-Committee **REFUSED** an application for a private hire driver's licence as the applicant could not be considered a fit and proper person to hold such a licence.

LSB/B.41 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

41.1 The Licensing Sub-Committee **REFUSED** an application for a private hire driver's licence as the applicant could not be considered a fit and proper person to hold such a licence.

LSB/B.42 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

42.1 The Licensing Sub-Committee **GRANTED** an application for a private hire driver's licence.

The meeting closed at 3:50 pm