

## LICENSING COMMITTEE

Tuesday, 8 September 2015

**Present: Councillor Bob Backhouse (Chairman)  
Councillors Heasman, Huggett, Noakes, Patterson, Sloan (Vice-Chairman) and  
Williams**

**Officers in Attendance:** Emily Metcalf (Democratic Services Officer), Gary Stevenson (Head of Environment and Street Scene) and Keith Trowell (Senior Lawyer and Deputy Monitoring Officer)

### APOLOGIES FOR ABSENCE

LC46/15 Apologies for absence were received from Councillors Mrs Cobbold, Dawlings, Hills, Jamil, Nuttall, Tompsett and Woodward.

### DECLARATIONS OF INTEREST:

LC47/15 No declarations of interest were received.

### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

LC48/15 No visiting members had registered to speak at the meeting.

### MINUTES OF THE PREVIOUS MEETING

LC49/15 The minutes of the meeting of the Licensing Committee dated 21 July 2015 were submitted.

### RESOLVED:

That the minutes of the Licensing Committee dated 21 July 2015 be approved as a correct record.

### CONSIDERATION OF STREET TRADING POLICY

LC50/15 Mr Stevenson, Head of Environment and Street Scene, presented a report which considered the Council's Street Trading Policy. He stated that the Committee needed to reconsider their position on the policy at this meeting following a representation from a holder of a street trading consent at the meeting held on 21 July 2015, as cited in the report.

Mr Stevenson explained that the Committee had three options:

1. It could recommend rescinding some or all of the current street trading consent streets, which would require formal consultation and a resolution by Full Council.
2. It could amend the street trading policy. Mr Stevenson mentioned that Maidstone Borough Council, for instance, had a consultation for each street trading application that was submitted.
3. It could make no changes, but would agree to review the issue again in 2016 before March, when the planning permission for the Calverley Road Precinct plots were due to expire.

He referred to the support for street trading shown in Appendix D, and in two

more e-mails which he had received and tabled at the meeting.

In response to a question asked by the Chairman, Councillor Backhouse, Mr Stevenson said that if the application process were to be changed, then a consultation for each street trading application could be undertaken and would take approximately two weeks, and should run smoothly if there were no objections.

The Chairman then invited Mr Pound, who was in support of the street trading policy, to speak. Mr Pound said that he believed street trading offered a vibrant and cultured atmosphere, and that from his experience, street fairs in areas such as North London brought people to the local area. He said that this was allowed to happen in The Pantiles, which had restricted parking, and so he felt that an opportunity had been missed at the top of the town in the Precinct area. He said that choice attracted consumers, and was good for competition. Although poor take-up should be addressed, Mr Pound argued that this was not a good enough reason to redact the policy in its entirety, and that the policy should be available for those who wanted it. Mr Pound believed that the policy should be revisited in March 2016 when there was more information available.

Mrs Smith, who was representing her business Mrs Florist, then presented a petition to the Chairman, who invited her to speak. Mrs Smith said that the policy first appeared to be a breakthrough, and that it was a success for her business as it helped it to grow and to provide employment in the local area. She said that she was pleased by the response to the campaign to reinstate it, whereby 95 per cent of businesses in the area said that they liked to see her stall where it was. She said that it added to the community and brought people into the area. Mrs Smith believed that the biggest issue with the policy was disappointing take-up, but that this was due to three main reasons, which could be rectified in the policy:

1. The policy was restrictive in that it only allowed traders to trade for 104 days a year, which could cause problems with storage of stock on the other days.
2. The Calverley Road plots were in quieter areas, and not the high footfall area near the Clock Tower, which would be much better for business.
3. The policy had not been publicised very well, as many people did not appear to know that there was a facility for street trading in the area.

Councillor Williams raised concern over the fact that some stall holders may not be small businesses. Mrs Smith responded to Councillor Williams by saying that it was difficult to determine what a small business was, but that someone should not be restricted by their profitability. Councillor Williams explained that start-up businesses should be encouraged, and that figures were not as important as consistency in policy.

Councillor Patterson expressed his mystification at the fact that the policy ended in March 2015, as he believed that low take-up was not a valid reason to invalidate the policy. He said that the Committee should have been pleased that the policy was allowing businesses to prosper, and proposed that the Committee should keep the policy.

Councillor Huggett asked Mrs Smith why she wanted more days for trading to be added to the policy. Mrs Smith replied that extending the number of days

would be beneficial as there would be more continuity for businesses, which could aid with revenue.

Councillor Heasman said that he was keen to support new entrepreneurs, and did not support the decision that was made at the March 2015 meeting; instead, he expressed that he wanted the policy to continue. However, he stated that the Committee would need to be mindful of shops paying business rates, as the point of stall holders was to enable them to sell for a limited but discounted time. The Chairman added that 104 days was the limit because some stalls would travel from place to place during the week to sell their stock, and so did not need more days. He emphasised that the policy was originally put in place to encourage entrepreneurship.

Mr Stevenson clarified that the legislation did not specify the number of days that trading could take place, but that the Committee had previously debated long and hard over it to form a view that met the requirement that street trading consents should be of an infrequent and itinerant nature. He stated that the policy did not include a definition of a small business, and that the specific drive behind the policy could not be legislated for.

Councillor Heasman said that as long as the policy encouraged small entrepreneurs, it should continue.

The Chairman raised the point that there was an attitude that some competition between street traders and business rate-payers was unfair, because if similar produce was sold then one would have to pay overheads while the other would not. Councillor Heasman said that there would always be some dispute over competition, but as long as it was not entirely unfair it was acceptable.

Councillor Williams agreed with the Chairman and said that businesses should be encouraged through the policy, but not at the expense of other businesses. Councillor Patterson believed that one cherry seller, as discussed in the report, should not have been enough reason to stop the policy in its entirety. Councillor Patterson then proposed that the street trading policy remained. The Chairman put forward the proposal to the Committee. Councillor Sloan said that there was a need to consider further issues, such as fees and publicising the scheme, and so he put forward a condition that the policy should be revisited in 2016.

**RESOLVED:**

That the 2013 street trading policy be kept in its original agreed form, but that the policy be revisited in 2016 to determine modifications to fees, publicity and locations.

**URGENT BUSINESS:**

LC51/15 There were no items of urgent business.

**DATE OF NEXT MEETING**

LC52/15 The next meeting will take place on 1 December 2015 at 6.00 pm.

NOTE: The meeting concluded at 7.00 pm.