

Notice of Meeting

Licensing Committee

Date: Tuesday, 12 September 2017

Time: 17:30

Venue: Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road,
Andover, Hampshire, SP10 3AJ

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
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SP10 3AJ

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Licensing Committee

MEMBER		WARD
Councillor J Budzynski	Chairman	Winton
Councillor A Johnston	Vice-Chairman	
Councillor N Anderdon		Chilworth, Nursling and Rownhams
Councillor I Andersen		St Mary's
Councillor A Beesley		Valley Park
Councillor A Brook		Alamein
Councillor Z Brooks		Millway
Councillor J Cockaday		St Mary's
Councillor C Collier		Abbey
Councillor D Denny		St Mary's
Councillor A Hope		Over Wallop
Councillor P Hurst		Tadburn
Councillor P Lashbrook		Penton Bellinger
Councillor J Ray		Cupernham
Councillor A Tupper		North Baddesley

Licensing Committee

Tuesday, 12 September 2017

AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 01 December 2016
- 6 Minutes of the Licensing Sub-Committee held on 12 June 2017, 5 July 2017, 30 August 2017
- 7 Scheme of Delegations to Officers 4 - 4
To consider the Council's Scheme of Delegations to officers as amended.
- 8 Licensing Procedure Rules 5 - 7
Procedure rules for hearing licensing applications.
- 9 Exclusion of the Public 8 - 8
The following report is confidential.
- 10 Consideration of a Street Trading Consent Renewal Application
 - Information which is likely to reveal the identify of an individual;

ITEM 7 **Scheme of Delegations to Officers**

Report of the Head of Legal and Democratic Services

Recommended:

That the Scheme of Delegations to Officers annexed to the report to Annual Council and subsequently amended at the Leader’s Decision Day, in so far as it applies to the powers and duties of the Licensing Committee, be approved.

SUMMARY:

- The purpose of the report is to approve the Council’s Scheme of Delegations to Officers as amended

1 Background

- 1.1 The Scheme of Delegations to Officers is approved each year in accordance with the Constitution by Annual Council, the Cabinet and relevant Committees.

2 Resource Implications

- 2.1 None

3 Issues

- 3.1 During the course of the year since the last Annual Council, changes have occurred to the Scheme of Delegations to Officers and new delegations to Officers have been made as the need has arisen over time. These changes have been incorporated into the Scheme in the Annex to the report to Annual Council

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None	File Ref:	
(Portfolio: Corporate) Councillor M Flood			
Officer:	K Dunn	Ext:	8401
Report to:	Licensing Committee	Date:	20 July 2017

ITEM 8 Licensing Procedure Rules - Licensing Committee Street Trading Representations

Terms of Reference of the Licensing Committee:

Ward Members will have no involvement in the decision making process either by voting on the matter or otherwise participating in the Committee's deliberations, except that any Ward Member (whether a member of the Committee or not) may make a statement setting out their views or the views of those they represent. Such a statement may be made immediately after any applicant and/or the Head of Service (or their representative) has made their case and been questioned thereon.

Procedure for hearing representations:

The Head of Service (or their representative), acting on delegated powers, can approve, attach specific conditions to, refuse or revoke a Street Trading Consent application. The decision is made upon consideration of the following criteria, and any consultee objections received based on them.

1. **Public Safety:** The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction or fire hazard. The term "public" refers to both customers requesting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in section 6 of the Licensing Scheme on site assessment criteria.
2. **Public Order:** The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from the Hampshire Constabulary will be taken into consideration.
3. **Avoidance of Nuisance:** The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council Officers shall be taken into consideration.
4. **Needs of the Area:** The sufficiency of other trading outlets will be taken into consideration in relation to:
 - (a) The presence of like outlets already existing in the immediate locality of the proposed street trading site.
 - (b) The general needs of a locality, should no comparable outlets exist.

Applicants will have to demonstrate to the Council the need for the proposed street trading activity in relation to either points 1 or 2 above, whichever applies.

5. **Compliance with legal requirements:** The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation.

6. **Consultees Observations:** In relation to points a) – d) above, consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.
7. **Permitted Trading Hours:** The Council generally will only permit street trading between 6.00 am and Midnight, in Andover town centre, 22.00hrs in Romsey town centre and until 2.00am elsewhere, on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside the guideline hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.
8. **Market days:** Those Consent Street licensees who have consent to trade in the town centres will not be able to do so on Market days.

Where, acting under delegated powers, the Head of Service is minded to refuse a consent, or to grant a consent subject to conditions, they will notify the applicant accordingly. If the applicant would be aggrieved by a decision in the terms indicated by the Head of Service, then they may within twenty eight days of such notification being received, make a written request that their application be considered by the Licensing Committee, and the Licensing Committee will then determine the application in accordance with the procedure set out below. If no such request is made within the twenty eight day period, then the Head of Service will forthwith proceed to issue a decision in the terms indicated in the notification referred to above.

1. Written objections, representations, petitions, etc will be circulated with the agenda and will be taken into account by members of the Committee. It will not be possible to circulate any such communications received after the agenda has been circulated, as both parties must have the opportunity of studying them prior to the meeting. The agenda and papers for consideration will be circulated 5 days before the meeting.
2. At the start of the meeting the Chairman will outline the procedure to all those present.
3. The Head of Service (or their representative) will present the facts to the Committee and explain the Recommendation.
4. The Members of the Committee may ask questions of the Head of Service (or their representative).
5. The Applicant may ask questions of the Head of Service (or their representative).
6. Relevant Council Officers and other Consultees may be questioned by:
 - (a) Members of the Committee;
 - (b) The Applicant.

7. The Applicant may present their case, including calling any witnesses. The Head of Service (or their representative), any relevant Council Officers, other Consultees and/or members of the Committee may ask questions of the Applicant or any witness.
8. The Applicant may sum up their case.
9. The Committee will deliberate in private with only its legal adviser and Committee Officer in attendance. The decision on the matter, and the reasons for it, will be communicated to all those present in open session before the meeting is closed.

ITEM 9

Exclusion of the Public

Recommended:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the consideration of reports on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

Consideration of a Street Trading Consent Renewal Application Paragraph 2

It is considered that the report contains exempt information within the meaning of paragraph 2 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because report requests consideration of the application for a Street Trading Consent for a Sole Trader.