

MINUTES

Present:

Councillor David Munro (Chair), Councillor Sachin Mathur (Vice-Chair) and Councillors Juliet Barker Smith, Brandon Clayton, Matthew Dormer, Sharon Harvey, Sid Khan, Gary Slim, Jen Snape, Monica Stringfellow and Paul Wren

Officers:

Vanessa Brown and Dave Etheridge

Democratic Services Officers:

Gavin Day

19. APOLOGIES

There were no apologies for absence, all Members were in attendance.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. MINUTES

The minutes of the Licensing Committee of 7th October 2024 were presented to Members. It was noted that due to a clerical error the wrong minutes were printed as part of the Public Reports pack and that the minutes for consideration were found on pages 5 to 10 of the Additional Paper 1 pack.

RESOLVED that

The minutes of the Licensing Committee held on the 7th October 2024 were approved as a true and accurate record and signed by the Chair.

22. PUBLIC SPEAKING

There was no public speaking.

Chair

23. RESULTS OF CONSULTATION ON DRAFT POLICY ON PAVEMENT LICENSING

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was for Members to consider the consultation responses and to resolve whether to approve and adopt the policy on pavement licencing.

Officers detailed that on 15th July 2024, the Licencing Committee approved the draft policy on pavement licencing, for the purpose of going out to consultation.

Three responses to the consultation were received, two from Members of the public and one from a business owner. The points/suggestions were addressed individually by Officers.

It was suggested that, for ease of enforcement, all renewal applications should submit images of the furniture which was only currently required by new applicants. Officers detailed that the decision was taken to reduce the administrative burden on Officers and the cost to applicants, however, if there were any substantial changes to furniture, images must be submitted. It was further commented that the public should be consulted on each application, however, officers clarified that the application process detailed that premises already needed to put up notices of the intent which served as public notices.

It was suggested that Officers could pre-approving areas to streamline the process of applications within those areas. However, Officers commented that WRS did not have the capability to zone areas as was suggested, so it was not something they could take forward.

Finally, it was suggested to allow storage for equipment overnight, however, Officers stated that it was their view that all furniture should be removable and taken off the public footpath and could therefore, not cause an accident or be used for crime.

In consideration of the responses, Officers expressed the opinion that none warranted any changes to the DRAFT policy. Therefore, the policy was presented to Members without amendment with the exception of the change of the Council's logo on the first page to the updated design.

After questions to Officers, the following was clarified.

- The policy needed to be refreshed in each of the 6 districts which WRS covered, and all the drafts were all based on the

same template; However, each District was free to make amendments as necessary, so the policies were similar but not identical.

- That there was no right to appeal a rejected application, the only route would be a judicial review. Therefore, whenever Officers refuse an application, they supplied clear and justifiable reasons with their decision.
- Officers have mapping tools to identify what classified as a highway; however, they would often contact the Worcestershire County Councils (WCC), Highways Team for clarification around applications and if it warranted a pavement licence. In the situation that it is deemed to be within the premises curtilage and not on the highways the application fee would be refunded in full.

It was also clarified that the current cost for an application was £100 for both a new application or renewal and was for a 6-month licence. The new policy increased the duration of the licence to 2 years, however, as the fee was on a per application basis the cost remained the same. Officers had no powers to change this as the fee was determined by Members during the annual fee setting budget meeting. The maximum charge that could be permitted under legislation was £500 for a new application and £350 for a renewal

Members expressed some disappointment that there were so few responses to the consultation. Officers shared the Members opinion; however, Members were assured that a number of methods were employed which included, notices, emails, letters and social media. It was further noted that for policy consultations such as these it was not unusual to have very few responses, more were usually received when it directly impacted a licence such as things related to Taxi licences.

Members were broadly in support of the Policy on Pavement Licencing and on being put to a vote it was

RESOLVED that

the draft Policy on Pavement Licensing shown on pages 21 to 44 of the Public Reports pack was approved and would take immediate effect.

24. RESULTS OF CONSULTATION ON DRAFT REVISED STREET TRADING POLICY

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was for Members to consider the consultation responses and to

resolve whether to approve and adopt the revised street trading policy.

Officers detailed that following a recommendation from the licencing Committee, a resolution in relation to designating streets for the purposes of controlling street trading was passed. In response to this, the street trading policy needed to be reviewed. Subsequently, on 4th March 2024, the Licencing Committee approved the draft revised policy on street trading, for the purpose of going out to consultation.

Officers further detailed that due to pre-election periods (Purdah) in relation to both the Local and Parliamentary Elections, there were some delays with undertaking the consultation.

Despite the lengthy period that the consultation was open for comment and Officers utilising a number of different avenues to gain comment from consultees, there were no responses to the consultation.

Therefore, Officers recommended the revised street trading policy to Members which was sent out to consultation, with the single amendment of changing the Council's logo on the first page to the updated design.

There were no questions or comment from Members who were in support of the revised street trading policy and on being put to a vote it was.

RESOLVED that

the draft Revised Street Trading Policy shown on pages 53 to 75 of the Public Reports pack was approved and would take immediate effect.

25. VERBAL UPDATE ON THE TOBACCO AND VAPES BILL

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), gave a verbal update on the recent reading of the Tobacco and Vapes Bill.

The Bill was in discussion before the election and that much of the Bill remained the same. A few key point which were of relevance for the Licencing Committee were:

Those born after 1st Jan 2009 would no longer be able to purchase tobacco and nicotine products which will lead to a gradual ban as more young people are unable to legally purchase.

The bill also expanded on existing powers for non-smoking areas to allow expansion to some outdoor areas, however specifics were not detailed, outside schools and hospitals were noted as likely areas though. Smoking bans would also be extended to Vaping products, which although often banned at a local level, were not illegal to use indoors.

There was also mention of a new regulatory scheme to permit powers for officers and would require premises to obtain a licence to sell vaping products with additional plans to further regulate flavours. However, there was currently no clarity on if the responsible authority would be a district or county function.

Members were in support of further regulation and controls on Vaping, and it was noted that its use among teenagers was especially prevalent and needed to be addressed. Additionally, Members were in support of greater powers to ban smoking around schools and hospitals, however, the capability to enforce this was questioned. Officers replied that initially there would likely be some enforcement activity, however they noted that following the smoking ban in 2006 it quickly came self-policing and now it needed very little enforcement.

Members thanked the Officer for the verbal report, which was noted.

26. WORK PROGRAMME

There were no comments or amendments to the work programme.

27. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that

Under S100 A (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public were excluded on the grounds of the disclosure of exempt information as defined in paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12 of the said act, as amended.

28. OFFICER UPDATE(S) - ENFORCEMENT AND APPEAL MATTERS

The minutes were restricted.