

Time Commenced: 6:05pm
Time Finished: 6:50pm

LICENSING COMMITTEE
16 September 2021

Present: Councillor A Atwal (Chair)
Councillors: Bettany, Cooper, A J Graves, Hezelgrave, A Holmes,
Jennings, J Khan, Pattison, Peatfield, A Pegg, Potter and Skelton

In Attendance: Lucie Keeler – Solicitor – Legal Services
Mike Kay – Head of Environmental Protection, Housing
Standards, Licensing, Emergency Planning and Business
Continuity
Angela Rawson – Team Leader – Licensing
Emily Feenan - Director of Legal, Procurement and
Democratic Services and Monitoring Officer
Alex Hough – Head of Democracy.

07/21 Apologies

Apologies were received from Councillor Hussain

08/21 Late Items to be Introduced by the Chair

There were no late items.

09/21 Declarations of Interest

There were no declarations of interest

10/21 Minutes of the Meetings held on 8 July 2021

It was noted in the minutes, that an update detailing the impact of the Covid-19 pandemic, on the licensing trade, had been requested for this meeting by the Committee. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity stated that as the pandemic was still not actually over it would be difficult to give an accurate report adding that in the light of the current situation also difficult to identify when this information would be available. However, the Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity gave a brief update on the measures that had been put in place to support the licensing trade with new operating measures such as extended pavement dining areas and discretionary grant schemes, adding that most support would have come from the central mandatory schemes. The Regeneration Team were working on supplying these figures and the Head of Environmental Protection,

Housing Standards, Licensing, Emergency Planning and Business Continuity confirmed he would bring those to the Committee as soon as possible.

However, it was confirmed in the local records from the beginning of the first lockdown to current date 6 licenses had lapsed due to insolvency and 32 licenses had been surrendered (approx. 4% of total number of premises licensed by Derby City Council).

The minutes were then approved as an accurate record of the meeting held on 8 July 2021

11/21 Draft Street Trading Consent Policy

The Committee considered a report from the Director of Public Protection and Streetpride. The Team Leader of Licensing presented a report asking the Committee to consider re-adoption of Schedule 4 of the Local Government (Miscellaneous) Provisions Act 1982 in relation to street trading. This would enable the Council to designate streets where street trading would be permitted and also prohibit certain streets from any street trading.

The Team Leader – Licensing confirmed that the policy did need re-evaluating as since it came into effect on 16 February 1984, areas of Derby City Centre and the area now known as Pride Park had changed significantly, meaning historic plans and subsequent amendments made the current street trading situation unclear. The Team Leader – Licensing confirmed that existing street traders who held street trading consent would be contacted directly in relation to the new proposed policy and where possible existing positions would be maintained.

It was acknowledged that the revised draft Street Trading Policy would need to undergo a 12 week consultation period to enable comments to be received from the general public, stakeholders and partners. Responses to the consultation would be considered by the Head of Licensing and the Service Manager and referred back to the Licensing Committee early in 2022.

It was anticipated that the final revised Street Trading Policy would come into effect on 1 April 2022.

Resolved to:

- 1. Recommend Council readopt the provisions of Schedule 4 of the Local Government (Miscellaneous) Provisions Act 1982 in relation to street trading with effect from 1 April 2022.**
- 2. Approve the Draft Street Trading Policy for release for a 12 week consultation period and subsequent consideration by the Licensing Committee.**

12/21 Exclusion of Press and Public

It was moved by the Chair and seconded that the Committee consider a resolution to exclude the press and public during consideration of the following item.

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

The meeting was adjourned to allow the Monitoring Officer to address councillors and explain the basis under which the matter required discussion in private session, to ensure consistency with the Council's standards procedures.

It was requested by Councillor Cooper that under Committee Procedure Rule CP104 that a record of their vote be recorded in the minutes. Councillor Cooper voted against the resolution to exclude the press and public.

Resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting

13/21 Informal resolution of a complaint about a Councillor

The Committee considered a report from the Director of Legal, Procurement and Democratic Services and Monitoring Officer in relation to the conduct of a councillor in respect of a licensing matter.

The Committee were informed of the circumstances surrounding the complaint and the resolution of that complaint in accordance with the Council's procedures for consideration of complaints against councillors, by way of a written apology to the Licensing Committee and a commitment to undertake training.

A copy of the letter of apology was attached to the report.

It was requested by Councillor Cooper that under Committee Procedure Rule CP104 that a record of their vote be recorded in the minutes. Councillor Cooper voted against the recommendation to accept the apology.

Resolved to accept the apology of the councillor concerned in relation to their conduct in respect of a licensing matter.

MINUTES END