

Minutes of the Meeting of the Licensing Committee held on 28 July 2022 at 7.00 pm

Present: Councillors Gary Collins (Chair), Augustine Ononaji (Vice-Chair), Tony Fish, Cathy Kent, Ben Maney, Elizabeth Rigby (arrived at 7.08pm) and Graham Snell

Apologies: Councillors Sue Sammons Colin Churchman

In attendance: Paul Adams, Licensing Manager
Kenna-Victoria Healey, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the was being live streamed to the Councils website.

1. Minutes

The minutes of the Licensing Committee meeting on 22 February 2022 were approved as a correct record.

2. Items of Urgent Business

There were no items of urgent business.

3. Declaration of Interests

There were no declarations of interest.

4. Review of Street Trading Policy

The Licensing Manager presented the report which was on pages 9-26 of the agenda.

It was enquired as to why only a basic DBS check was required. The Licencing Manager advised the reason a basic DBS check was to be completed was in relation to the requirements to be able to carry out an enhanced DBS check. He continued by advising the law allowed enhanced checks for taxi drivers, however, did not allow enhanced checks to be completed for Street Traders as it was not listed as an occupation which was considered necessary.

Councillor Ononaji thanked Officers for report, he commented the policy was last reviewed in 2011 and queried as to why it was now being reviewed. The Licencing Manager explained there had been no requirement for the policy to be reviewed and updated since the previous review, he explained the Licencing Department now had the responsibility for street trading, however

over the last few years had spent a lot of time working on enforcing the restrictions relating to COVID-19.

He continued by advising Members under the Licencing Act there was a requirement in law to review the policy every five years and he agreed with Members that this policy was overdue a review. The Licencing Manager commented although substantial changes were proposed, he felt these were necessary to enhance the job which officers were completing.

Councillor Maney enquired as to whether this was something other Authorities currently completed, he felt it was perhaps overstepping the Councils remit and that it should be the responsibility of the Police. The Licencing Manager commented he understood where Members were coming from however offered the example of an ice cream van being situated outside of a school, the trader would need the correct licence to be able to work the area. He continued by advising the suggestion of completing basic DBS checks for Street Traders was for the safety of the customer as well as the Street Traders themselves.

Councillor Maney commented if there is no government guidance supporting the suggestion of Street Traders having a basic DBS check he couldn't understand why the Council would be looking to do this, as it would generate additional work for a team which was already unstaffed.

During discussions it was enquired as to how the consultation was to be completed. The Licencing Manager advised the consultation would be completed via the council's consultation portal and there would be the opportunity for written responses.

Councillor Snell thanked officers for the report and echoed Councillor Maney's comments stating there were a number of jobs which did not require a DBS check. The Licencing Manager commented the recommendation was only for Officers to be able to go out to consultation to the trade to seek their views on the proposal of DBS checks be undertaken, the report would be brought back to the committee where the policy could be amended if necessary.

Following the discussion, the Chair asked that an additional recommendation be included *that a covering letter be sent to all street traders to advise them of the consultation and highlight the changes with regards to DBS Checks*. This was agreed by Members.

Councillor Maney sought that when the report was presented back to the committee it included any government guidance support this proposal and what other Local Authorities were doing in relation to licensing Street Traders.

RESOLVED:

- 1. Agree for the reviewed Street Trading Policy to go out to consultation, and**

2. **That after consultation, relevant responses are reported to the Licensing Committee for consideration, or**
3. **If no relevant responses are received during the consultation, then for the policy to take effect from the 1 April 2023.**
4. **That a covering letter be sent to all street traders to advise them of the consultation and highlight the changes with regards to DBS Checks.**

5. Setting of Licensing Fees

The Licensing Manager presented the report which was on pages 27-46 of the agenda.

Councillor Ononaji queried taking into consideration the current economic situation and how some businesses were struggling, was this the right time to be increasing the licensing fees.

The Licensing Officer explained this was certainly the reason why the committee decided last year that they wouldn't consider any increase in fees because of the impacts of COVID. He continued from an Officer's point of view, there was a need to ensure that the costs of providing the service was covered in relation to the fees that were charge. Members heard there had not been an increase in taxi fees since 2015.

Members were advised Officers were always mindful to try and ensure a thorough review of the licences was carried out every three years, rather than amending the fees year on year. The Licensing Manager commented some years additional funds were made due to the number of applications that were received in that particular year, other years, there could be less applications. Councillor Maney sought if the fees and charges before Members would be fed into the final report which was agreed by Cabinet. The Licensing Manager confirmed that the report would form part of the annual report, but first the report had been brought to the Licensing Committee for Members views and a recommendation to approve the proposed fees at this committee.

Councillor Kent asked how the consultation was to be carried out and requested that Officers bear in mind not everyone had online access. The Licensing Manager advised the consultation portal would be used as the main point of contact as well as writing to each of the individual license holders, to ensure they were all aware that a consultation was taking place. He continued to confirm the ability for responses to be received in writing would be included and the consultation would run for at least six weeks.

RESOLVED:

Agreed the proposed fees and charges as set out in Appendix 1 for the 2023- 2024 financial year to go out to public consultation.

The meeting finished at 8.02 pm

Approved as a true and correct record

CHAIR

DATE

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