

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on
Tuesday, 31 March 2009

PRESENT: Councillor RE Barrett – Chairman
Councillor R Hall – Vice-Chairman

Councillors: Mrs VM Barrett
Mrs JM Guest
MB Loynes
RM Matthews
Mrs CAED Murfitt
JF Williams

Mrs PM Bear
Mrs EM Heazell
RB Martlew
DC McCraith
A Riley

Officers: Myles Bebbington
Maggie Jennings
Richard May
Fiona McMillan

Licensing Officer
Democratic Services Officer
Democratic Services Manager
Senior Lawyer and Deputy Monitoring Officer

Apologies for absence were received from Councillor CR Nightingale.

6. DECLARATIONS OF INTEREST

None

7. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 26 June 2008 were agreed as a correct record.

8. ESTABLISHMENT OF LICENSING APPEALS SUB-COMMITTEE

Members views were sought on clarifying the procedural arrangements in respect of the licensing appeals process and considered the information provided in the report. The majority of those present did not agree with the proposal that the Chairman or Vice-Chairman of Licensing Committee chair all appeals, nor that in their absence a Chair be appointed on the day of the hearing. In conclusion,

The Licensing Committee **AGREED**

- (a) A Licensing Appeals Sub-Committee be established to consider all appeals from the determination of the Licensing Officer where in-house procedures allow appeals;
- (b) The Sub-Committee comprise at least 3, but no more than 5 councillors from the Licensing Committee who have undertaken the appropriate training;
- (c) The Licensing Appeals Sub-Committee shall be appointed by the Democratic Services Manager in consultation with the Chairman of the Licensing Committee or the Vice-Chairman of the Licensing Committee in the absence of the Chairman;
- (d) The Chief Executive be authorised to make the necessary amendments to Table One of Part Three of the Constitution;
- (e) The Licensing Appeals Sub-Committee procedure (Appendix A), as amended at the meeting.

9. DUXFORD - APPLICATION FOR CONSENT STREET STATUS

Having considered the covering report, Members sought clarification regarding the consultation process and were informed that as the Parish Council had requested consent street status, no further consultations were required. However, once the village was subject to Consent Street Status, each application for a licence to trade would be subjected to a consultation process. Confirmation was also given that costs would be incurred by mobile food traders for processing applications for licences to serve hot food after 23:00hrs.

In conclusion, the Licensing Committee **AGREED** to the request from Duxford Parish Council for all streets in the village to be designated as Consent Streets and proceed to the next stage of the process.

10. DESIGNATION OF CONSENT STREET FOR THE WHOLE OF SOUTH CAMBRIDGESHIRE

Councillor Mrs CAED Murfitt drew Members' attention to reference in the report that should a district wide consent street status be applied throughout the district, it would place a statutory onus on the Council to consider applications for licences which may affect local small scale trades, eg private individuals who sell goods at the front of houses on a regular basis, together with a requirement to commence enforcement action where necessary. Councillor Mrs EM Heazell informed the Committee that she sold surplus food in aid of charity outside her property and asked whether she should declare an interest. The Senior Lawyer advised Cllr Mrs Heazell that, in these circumstances as the sales took place on her private property and not on the public highway, she was not required to declare an interest.

Issues raised during consideration of the item included:

- A licence would not be required for goods sold within the curtilage of a property
- Goods sold on the frontage of shops was exempt from the legislation provided it was in connection with the business
- Enforcement action could be taken against traders without a licence serving hot food after 11pm under the Licensing Act 2003
- Parish Councils may have misunderstood the meaning of Consent Street Status when consulted on the proposal
- It was confirmed that mobile food traders required food hygiene certificates
- A reference guide to street trading consent would be prepared for Members of the Licensing Committee. **Action: MB**

The Licensing Committee, having noted the outcome of the consultation process with Parish Councils, **AGREED**

- (a) that the Environmental Services Portfolio Holder should not seek Cabinet's approval for a district wide consent street trading scheme, and
- (b) that the current procedures for the adoption of street trading consents within the district of South Cambridgeshire be retained.

The Meeting ended at 11.02 a.m.
