

Public Document Pack

THREE RIVERS DISTRICT COUNCIL

MINUTES

At a meeting of the Regulatory Services Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Wednesday, 6 December 2023 from 7.30 - 8.10 pm.

Present:

Councillors:

Roger Seabourne (Chair)
Tony Humphreys (Vice-Chair)
Stephen Cox
Raj Khiroya
Ciaran Reed
Matthew Bedford
Narinder Sian

Officers in Attendance:

Lorna Fryer: Licensing Officer
Richard Ricks: Principal Litigation and Licensing Lawyer
Cameron MacLean: Interim Committee Manager

RG15/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sarah Nelmes, Andrew Scarth, David Coltman, and Ian Morris.

RG16/21 MINUTES

The Committee approved the minutes of its meeting of 12 October 2023 and authorised the Chair to sign them as a correct record.

Matters Arising Out of Consideration of the Minutes¹

A Committee Member stated that they were satisfied with the accuracy of the minutes. However, they had not subsequently received information that it was understood was to be provided to all Members of the Committee in respect of the following item in the minutes:

Item RG 12/23: Polling District and Polling Place Review 2023

Statistics on the number of people on the register in each polling district; the number of votes cast in each polling district; the number of postal votes received; and the corresponding polling station for those postal votes.

One Member of the Committee stated that they had received this information and confirmed it was their understanding that this information was to have been provided to all Members of the Committee.

The Chair stated that he would request officers to provide the information detailed in minute Item RG 12/23 to all Members of the Committee.

¹ Statutory provisions only permit the Committee to determine the accuracy of the minutes and do not allow for consideration of matters arising out of consideration of the minutes. However, on this occasion, the Chair allowed a Committee Member to make various observations regarding actions arising from the minutes of the last meeting.

RG17/21 NOTICE OF OTHER BUSINESS

There were no items of "Other Business".

RG18/21 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

RG19/21 REVIEW OF STREET TRADING POLICY AND CHANGES TO "DESIGNATION OF STREETS"

The Committee considered a report recommending that, following a review of the Street Trading Policy 2022 and a public consultation exercise, the Committee adopt a revised and updated Street Trading Policy ("the Policy"). Further, should the Committee agree to adopt the Policy, that it also agrees an intention to pass a resolution in respect of amendments to the "Designation of Streets", the draft resolution to be published and be the subject of a statutory consultation.

The report was presented by Lorna Fryer, Licensing Officer.

In the subsequent discussion, the following points were raised.

- a) Referring to the various Appendices to the report, it was noted that Appendix E: Amended Designation of Streets, contained a much shorter list of roads and streets where Street trading was prohibited.

Ms Fryer stated that this list would be subject to confirmation as part of the "Designation of Streets" proposed resolution, and that the consultation referred to in to in the report was a discrete element of the Street Trading Policy.

Ms Fryer also noted that every application for a street trading licence was considered on its merits.

- b) It was noted that the current policy prohibited Street trading on what were, essentially, high streets.

The Chair stated that it had been agreed at previous meetings of the Committee that the "Designation of Streets" should be decided based on allowing Street trading to take place rather than prohibiting Street trading, unless otherwise approved by the Council.

- c) Regarding the appropriateness of allowing Street traders to operate on high streets, the Chair, reiterating a point made by Ms Fryer, stated that each application for a street trading licence was considered on its merits.
- d) Anecdotal evidence suggested that allowing Street traders to operate on high streets benefited both Street traders and high street shops, and that allowing Street traders to operate in residential streets would be a more controversial proposal.

The Chair confirmed that the Committee had previously taken these matters into consideration and had taken the view that allowing Street traders to operate in local high streets, particularly Christmas markets, was of benefit to the local economy.

- e) Regarding applications for Street trading licences that might directly compete for business with high Street shops, and the determination of such applications by officers under delegated authority, it was proposed that it would be helpful if Members of the Committee were to be apprised of the criteria to be employed by officers when deciding applications.

Ms Fryer stated that every application for a street trading licence was referred to the statutory “responsible authorities” and to local ward Members for comment before any determination of the application was made by Licensing officers. In addition, there was a 28-day public consultation exercise for every street trading application received. If any objections were received to an application, the application was referred to the Committee for determination.

f) The Chair made the following observations on the “clean” draft of the Street Trading Policy (“the policy”) (Appendix E of the report):

i) Paragraph 2.1.2: the last sentence of the paragraph had been crossed through.

Ms Fry confirmed that this “tracked change” should have been deleted from the “clean” copy of the policy.

ii) Paragraph 2.3.2: Exemption from requiring a street trading consent – “activities which take place on council... owned land”.

Ms Fry confirmed that anyone wishing to trade on Council-owned land would have to obtain the permission of the occupier of the land to trade.

It was proposed that, for the avoidance of doubt, this point should be made explicit in the policy. Ms Fry confirmed that this would be made clear both in the policy and on the Council’s website.

iii) Paragraph 4.4: Goods for Sale. The Chair referred to –

- Paragraph 4.4.1 which listed several items which, if included in items it was proposed to sell, would result in any Street trading application to sell those items being refused; and
- Paragraph 4.3.3 which referred to Paragraph 6.2 of the policy which listed items which it was prohibited to sell.

The Chair proposed that these provisions could be more elegantly and clearly expressed in the policy thereby avoiding any unnecessary repetition and/or duplication and covering any hitherto unforeseen possibilities.

In the subsequent discussion, the following points were made.

a. It was proposed that the policy should contain a catch-all paragraph regarding items which could not be sold without a licence and/or items, the sale of which was prohibited.

The Chair noted that there was a catch-all Paragraph at 6.2: Nature of Goods, of the policy.

b. It was noted that the list of items at Paragraph 4.3.3 were items that were lawful to possess but which the Council would not wish to make available from Street traders anywhere within the district.

- Paragraph 4.9: Trading Near to a School

The Chair noted that, without consent, there was a proposed 50 metre exclusion zone around schools prohibiting Street traders, including ice cream vans, from operating within that exclusion zone.

Ms Fryer stated that the prohibition was intended to work during term time but that schools could grant permission for Street traders to operate within 50 metres of school premises on special occasions such as school fêtes, when a Temporary Event Notice (TEN) licence might be granted.

- g) The Chair proposed that the main criterion for prohibiting Street trading on certain streets and roads was safety.

A Member noted that the reason why there were so many prohibited streets and roads in South Oxhey listed in Appendix E to the report was to accommodate traders wishing to trade at the site of the new market when the market was relocated as part of the South Oxhey redevelopment.

Ms Fry added that, when identifying prohibited streets, officers looked at those streets which had double yellow lines and the width of the road. Accordingly, if the road was wide enough to accommodate Street traders either on the pavement or in areas adjacent to the road, such roads would be included as possible sites for Street trading.

As there were no further comments on the report, the Chair proposed that the Committee move to considering the recommendations set out in the report.

RESOLVED: That the Committee –

1. Authorise Officers to adopt the Policy with implementation taking effect in January 2024 following -
 - a) The approval of the new schedule of street trading fees (to be presented at Policy and Resources Committee in December 2023); and
 - b) Completion of the relevant fee consultation process (with the Head of Regulatory Services to consider any representations received in consultation with the Lead Member).
2. Agree –
 - a) To pass a resolution in respect of the changes to the designation of streets.
 - b) That officers consult for 28 days with the Head of Regulatory Services to consider any representations received in consultation with the Lead Member.

In the event that no comments were received that –

- i) Delegated authority be given to the Head of Regulatory Services to agree the [draft] Resolution; and
 - ii) That officers publish the Resolution in a local paper for two consecutive weeks with the Resolution taking effect within 28 days of the first publication date;
- Or,**
- iii) If objections were received and could not be set aside, the “Designation of Streets” proposals be returned to Committee for further consideration.

RG20/21 REGULATORY COMMITTEE SERVICES WORK PROGRAMME

The Committee considered a report by the [former] Principal Committee Manager setting out the Work Programme for the Committee and recommending that the Committee make any changes that might be necessary to update the Work Programme.

A Member, with the concurrence of the Chair, noted that the document was out of date and required updating.

Regarding the date by which the Committee had to consider the statutory quinquennial review of polling districts and polling places, it was noted that a special meeting of the Committee had been scheduled for Thursday, 25 January 2024 to consider this matter.

NOTED

CHAIRMAN

This page is intentionally left blank