

# REGULATORY AND LICENSING COMMITTEE

19 NOVEMBER 2024

## PRESENT:

Councillors Evans (Chair), B Yeates (Vice-Chair), Anketell, Ashton, Bragger, Checkland, Coe, Henshaw, Hill, Leung and Salter

### 1 APOLOGIES FOR ABSENCE

Apologies were received from Councillor L Ennis.

### 2 DECLARATIONS OF INTEREST

Councillor Bragger declared an interest as Chair of Markets Working Group at Lichfield City Council during Item 6, Amendments to the Street Trading Consent Process.

### 3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were signed and accepted as a true record.

### 4 WORK PROGRAMME

The Chair highlighted an email from the Leader on pavement licences that committee members received. The committee elected to hold a special committee to discuss the matter as soon as appropriate.

Members requested the work programme to be scheduled at the end of the agenda in future meetings.

James Johnson highlighted the addition of a Public Spaces Protection Order to the next meeting agenda.

### 5 ENFORCEMENT POLICY

James Johnson, regulation & enforcement manager, presented the report to the committee.

Members expressed concerns that the annexes could allow powers to be transferred to officers without consultation with the committee. It was agreed that any future annexes would be subject to consultation with the Chair and Vice-Chair, who could then refer them to the committee.

## RESOLVED:

The committee reviewed the draft enforcement policy and proposed amendments that they would like considered.

The committee recommend to the Cabinet Member that the draft enforcement policy be adopted.

The committee recommend to the Cabinet Member that the Regulation & Enforcement Manager be permitted to introduce annexes to the enforcement policy in consultation with the Chair and Vice-Chair of Regulatory & Licensing Committee, where specific

policy is required for a particular function, providing any specific policy conforms to the overarching enforcement policy.

## **6 AMENDMENTS TO THE STREET TRADING CONSENT PROCESS**

James Johnson, regulation and enforcement manager, presented the report. The committee then discussed the proposed changes.

### a) Make permanent the changes to event street trading that have been trialled since 1 Apr 24:

Members sought assurances that copies of all documents required in checks would be submitted to the authority. Mr Johnson highlighted that the new process allowed the authority to hold organisers accountable for the first time, as well as individual traders, as it provides a consent to each individual trader, rather than a single consent issued to the organiser.

Members enquired about the frequency of spot checks. Mr Johnson confirmed that these would be carried out within capacity.

Members emphasised the need to communicate these changes effectively. Mr Johnson confirmed that once formally approved, the authority would ensure organisers and traders were made aware of the changes.

Members sought clarification on how organisers would be held accountable. Mr Johnson confirmed that withholding future consent could be a method of holding organisers and traders accountable.

### b) Return the regulation of street trading in parks to Regulation & Enforcement from Operations:

Mr Johnson confirmed this would unify the two schemes covering parks and city centre events.

### c) Remove the requirement for food traders to have a minimum food hygiene rating of 4:

Mr Johnson highlighted that this would bring parity with fixed premises food traders. All traders would now, however, be required to display their food hygiene ratings.

Members raised concerns that this seemed to be lowering standards for non-local food traders whilst still requiring high standards from local fixed premises businesses.

Mr Johnson stated many organisers had stated they would still only allow 4 and 5 rated traders. He noted mobile traders were expected to meet the same standards as fixed-premises businesses. Mr Johnson confirmed it would constitute fraud to display a food hygiene rating that a business did not possess.

Members enquired whether retaining this requirement would exclude those traders who had not yet had their first inspection.

Members agreed to retain the requirement for food traders to have a minimum food hygiene rating of 4.

Members agreed to offer to suspend this requirement for local traders applying without a rating and fast-track their inspections.

**RESOLVED:**

The committee considered the proposed changes described below and recommended to the Cabinet Member that the changes be implemented.

- a) Make permanent the changes to event street trading that have been trialled since 1 Apr 24. This will see large event organisers apply for consent on behalf of all traders, rather than each trader applying individually. The organiser will then provide each trader with a copy of their consent. This will create efficiencies for traders, event organisers, and the Council. As a result, some street trading fees have been reduced, and officers are instead able to spend more time on compliance and enforcement activity to ensure events are safe and successful.
- b) Return the regulation of street trading in parks to Regulation & Enforcement from Operations. Regulatory & Licensing Committee moved this to Operations in March 2022. Returning it will properly separate the Council's responsibilities as landowner and as regulator, secure parity regardless of where the trading takes place, help protect the public (for example, through food hygiene inspections), and ensure compliance with the Act.
- c) Retain the requirement for food traders to have a minimum food hygiene rating of 4, with an exemption for local food traders awaiting their first rating.

## **7 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH ALREWAS NO 36 (PART) IN THE PARISH OF ALREWAS AND FRADLEY**

Robin Carr presented the report on the diversion of public footpath Alrewas and Fradley 36 to the committee.

Members enquired about the possibility of imposing a condition requiring the footpath to be properly signed. Mr Carr stated that the order could be drafted to ensure it did not come into effect until it was certified, and the path made available to the satisfaction of the district council. Members recommended that the order be drafted as suggested by Mr Carr.

### **RESOLVED:**

The committee approved the proposed diversion of Public Footpath No. 36 (part) in the Parish of Alrewas and Fradley as set out in Appendix A of the committee report.

## **8 POLLING PLACES REVIEW**

Christine Lewis, elections and democratic manager, presented the report. She thanked Fiona Bell, project support officer, for her excellent work on this review. She highlighted that previous direction from the committee was to avoid utilising primary schools where possible. She explained that this had to be balanced against the competing requirements of accessibility and availability.

Members enquired whether an additional mobile polling station could be included at Fazeley. It was confirmed that a pub had been contacted about this but had not responded yet. Councillors were encouraged to engage directly with the owners of locations of polling places.

Members suggested that a mobile polling station on the green or utilisation of Scotch Orchard Primary School would be preferable. It was also suggested that the school could be sectioned to allow it to remain partially open.

Members questioned whether parking provision was better near the Garrick than the Guildhall. Members suggested that the Guildhall would be more suitable than the Garrick.

The committee expressed disappointment over the lack of responsiveness from new venues regarding their availability for polling places. Councillors with existing relationships with these venues offered to assist in lobbying these venues to reply to Officers on whether they can accommodate a polling place.

The history of the decision to move polling stations into the Council Chamber at District Council House was explained.

**RESOLVED:**

The committee approved the recommendations as set out in the report subject to the polling place location at the Guildhall remaining unchanged.

(The Meeting closed at 8.00 pm)

CHAIR