

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 11 JUNE 2009 AT 2.00PM

Present:-

Councillor C J James - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
M W Butcher	C E Hughes	P J White
E M Dodd	R D Jenkins	R Williams
D K Edwards	D A Unwin	

Officers:

Y Witchell	-	Licensing and Registration Officer
P Gavigan	-	Principal Solicitor
A Rees	-	Senior Cabinet and Committee Officer

37 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor D Buttle	-	Holiday
Councillor M L Simmonds	-	Unwell
Councillor K Watkins	-	Holiday
Councillor M C Wilkins	-	Unwell

38 DECLARATIONS OF INTEREST

None.

39 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 19 May 2009, be approved as a true and accurate record.

40 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
CONTROL OF STREET TRADING: PORTHCAWL

The Assistant Chief Executive Legal and Regulatory Services submitted a report on the outcome of an informal consultation exercise regarding an interim policy for the granting of street trading consents on the Esplanade, Porthcawl. The Council had previously adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in order to control street trading within certain streets in Porthcawl. This enabled the Council to prohibit street trading completely in some streets and/or designate other streets as streets where trading is only permitted under a licensing regime. On 31 March 1993 and 19 June 1996 the statutory processes (orders) to designate certain streets in Porthcawl as prohibited or consent streets were completed. The Committee at its meeting on 18 March 2009 resolved that from 1 May 2009, the orders be varied with the result that street trading is now prohibited on the Eastern Promenade Porthcawl.

The Committee was informed that the only street where street trading is now permitted with the consent of the Council is the Esplanade. The Committee at its

meeting on 8 January 2009 received information that discussions had commenced regarding developing a street trading policy which would complement the regeneration strategy. A number of options were possible in the longer term.

The Licensing and Registration Officer summarised the responses received to the consultation process, one of which had responded in the form of a proposal and who stated that the current street trading policy affected his proposals as there is a presumption of refusal for consents involving the sale of hot food and requested that the policy be reconsidered. The proposal was attached at Appendix A to the report but the person submitting the proposal had been advised not to submit an application until the policy had been reviewed.

RESOLVED:

That the Committee being minded to retain the Esplanade as a consent street for the purposes of street trading:

(1) adopt the overriding policy that each application will be determined on its merits but that there will be a presumption of refusal on certain grounds;

(2) adopt a policy whereby there would be a presumption of refusal for consents involving the following activities due to the potential for nuisance, obstruction and visual intrusion together with the potential for environmental impact from litter and noxious smells:

- Posters
- Sports and household goods and clothing
- Fish and meat from commercial vans or stalls
- Static car sales

(3) confirm the preferred option relating to the granting of consents for the sale of hot food will be to relax the prohibition on granting consents involving the sale of hot food providing the consent is granted to an organiser (or their agent) of a themed event or festival;

(4) adopt a policy whereby there would be a presumption of grant for consents involving the following activities:

- Flowers/Vegetables/Fruit
- Arts/Crafts/Jewellery/Paintings etc
- Novelty or specialist foods

Providing that the applications are linked to approved themed events.

(5) confirm the preferred option for the grant of consents relating to ice cream vans will be to introduce a presumption of refusals for consents to ice cream vans;

(6) confirm the preferred option for the grant of consents relating to ice cream tricycles will be to retain the current policy of granting consents to ice cream tricycles with a limit of a maximum of six being issued per annum.

(7) note that further officer discussions will be necessary to discuss the feasibility of fixed trading points on the Esplanade.

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(8) approve that the consultation process be widened to include the Porthcawl Chamber of Trade and the Council's Property Section and to place applications on the Council's website.

The meeting closed at 1.35pm