

LICENSING COMMITTEE

11 March 2022 at 9.30 am

Present: Councillors Blanchard-Cooper (Chairman), Cooper (Vice-Chair), Clayden, Gregory, Kelly, Northeast, Oliver-Redgate and Worne

740. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor Staniforth.

741. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

742. MINUTES

The minutes of the meeting held on the 10 December 2021 were approved and the Committee as a correct record and were signed by the Chair.

The Committee also noted the minutes from the Licensing Sub-Committee held on 14 January 2022.

743. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent matters for this meeting.

744. PUBLIC QUESTION TIME

The Chair confirmed that no public questions had been submitted for this meeting.

745. STREET TRADING AND MARKETS POLICY, MAKING OF RESOLUTION TO VARY STREET TRADING DESIGNATIONS AND FEE SETTING

The Licensing Manager provided members with an overview of her report, explaining that there were four matters they needed to consider at this meeting these were:

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- the consultations responses,
- approval of the policy,
- to make a resolution regarding the street trading designations and,
- to approve the proposed fees.

She then drew members attention to the consultation responses regarding the policy as well as a number of points in relation to the Street Trading Designation consultation responses inclusive of confirmation regarding queries raised and answered through the consultation process. This included a response from the Leader of Arun District Council who had suggested the committee consider inclusion of additional roads (Sea Road, Rustington, Sea Lane, Rustington and Broadmark Lane, Rustington) as prohibited streets. The prohibited streets that had been proposed had been addressed in terms of a 'if it is not broken, do not fix it' approach, however the Council had also considered proposals where incidents had been brought to its attention over the years. Consideration had also been given to where a nuisance or annoyance for residents was considered as a risk. It was also proposed that York Road was taken outside of the scope of the designation's consultation at the time as it was felt that support to local business was important. The resolution to vary the proposed designations sought to identify the streets in the area that could be considered, the policy did not make provision for everyone in the district to benefit from street trading, it sought to exercise further controls and to ensure that there was not any detriment to any area. It would also allow the council to have effective controls in place to manage the policy as during the pandemic there were some issues that had arisen and the council did not have the controls in place to respond effectively to these issues. It had also been proposed that public authority car parks be included and recognised as areas for public trading.

Drawing members attention to page 111 of the agenda pack, the Licensing Manager explained that this page detailed the proposed fees that had been included for cost recovery purposes which would allow support for the delivery of its functions and had taken into account officer time and any other related charges.

Members then took part in a full debate on the report where a number of points were raised and responded to by Officers, including:

- Discussion on Sea Lane Rustington, Sea Road, Rustington and Broadmark Lane, Rustington and Aldwick Road in Bognor Regis
- The benefit of the policy presented and its ability to support 'pop-up' businesses better alongside the policy assisting with a step further in suggesting future places for street trading that would help enhances areas
- Clarity was sought for wording on page 83 where it stated that '*traders are not permitted to purchase from the public when operating a pitch*'
- Discussion regarding Street Markets and their importance within town centres as a direct link to regeneration, it was felt that there was an importance on having the 'right' stock that market stall holders had available for customers as well as discussion regarding how the council could encourage Street Traders to become future shop owners. It was explained that what this policy

would do was to provide opportunities for start-up businesses, the standard of what was out there would meet the same standards for businesses, it would create an enhancement of the local area and would allow exploration of sustainability issues and the climate agenda.

The Chair stated that the policy had enough detail in it to allow what was on offer in the District to be managed with options and choice for people, but also allowed for the council to enforce more controls where needed. The flexibility within the policy was its strength, it put the residents and the needs of the district at the heart of decisions. In summing up he also stated that he felt the members had, had a good conversation covering economic growth, new start businesses and regeneration which felt exciting and friendly and the report before the Committee was about exactly that.

The recommendations were proposed by Councillor Blanchard-Copper and seconded by Councillor Cooper.

The Committee

RESOLVED – That

- (1) All previous resolutions of the Council made pursuant to Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) to designate specified areas of the District as consent streets or prohibited streets or licence streets for the purposes of regulating street trading under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 are hereby rescinded;
- (2) From the date when this resolution would take effect all areas of land within the District of Arun which are “streets” within the definition of that term contained in Paragraph 1 of Schedule 4 to the Act shall be designated as “consent streets” with the exception of any area of land referred to in resolutions 3 and 4 below;
- (3) There shall be excluded from the designation in resolution 2 above any streets which are designated as “Prohibited Streets”. The streets designated as Prohibited Streets are set out in Appendix 1;
- (4) With the exception of Public Authority owned Car Parks, as set out in Appendix 2, that there shall be excluded from the designation in resolution 2 above any area of land which is from time to time in the ownership and control of a Public Authority or a registered charity other than any highway which is included from time to time on the list of streets maintainable at public expense pursuant to section 36(6) of the Highways Act 1980; and

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(5) For the purposes of resolution 4 above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means West Sussex County Council or Arun District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the Arun District Council.

746. COMMITTEE WORK PROGRAMME 2021/22

The committee received and noted its work programme for the remainder of 2021/22.

(The meeting concluded at 10.13 am)