

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LETCHWORTH COMMITTEE

**MEETING HELD IN THE FOUNDATION HOUSE, ICKNIELD WAY, LETCHWORTH
GARDEN CITY ON WEDNESDAY, 6 SEPTEMBER, 2017 AT 7.30 PM**

MINUTES

Present: *Councillors Mike Rice (Chairman), Paul Marment (Vice-Chairman), Clare Billing, John Booth, Julian Cunningham, Gary Grindal, Terry Hone, David Levett, Ian Mantle and Lynda Needham*

In Attendance:

Steve Cobb (Licensing Manager), Colin Broadhurst (Licensing Officer), Claire Morgan (Communities Officer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the commencement of the meeting one member of the public.

15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lorna Kercher and Deepak Sangha.

16 MINUTES - 5 JULY 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 5 July 2017 be approved as a true record of the proceedings and be signed by the Chairman.

17 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

18 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

19 PUBLIC PARTICIPATION - IMAJICA THEATRE

There was no one available to present to the Committee from Imajica Theatre.

20 CONSULTATION IN RELATION TO THE PROPOSED STREET TRADING POLICY 2018 - 2025

Councillor David Levett declared a declarable interest as he was a member of the BID Board. He stated that this would not affect his ability to take part in the debate and vote.

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The Licensing Manager presented a report in respect of the proposed Street Trading Policy 2018-2025. He advised that consultation had commenced on a revised Policy, part of which was to seek the views of Area Committees.

By way of background, the Licensing Manager explained that the Council had adopted the appropriate Street Trading legislation in 2005. In Street Trading terms, a "street" was a road, footway or other areas to which the public had free access (eg. car parks, shopping arcades). Street Trading was the selling of goods that could be purchased and taken away at the time of purchase.

The Licensing Manager further explained that Charter Markets were exempt from Street Trading, as were shops that displayed some of their wares outside their frontages. Typically, Street Trading covered burger vans, ice cream vans, ad hoc markets and community events. In this latter regard, he stated that the revised Policy sought to continue to those parts of the existing Policy which provided encouragement for community events.

The Licensing Manager advised that the Council was able to designate streets as consent streets, where its consent was required to be able to trade within such streets; prohibited streets, where trading would not be permitted at any time; or not to designate at all. In 2005, the Council had chosen to designate as consent streets all streets within the District's four main towns and the arterial roads which linked them. Village roads/streets had been excluded from such designation.

The Licensing Manager commented that the Policy did not contain any prohibited streets, but appended to it was a list of streets where consent would not normally be granted.

In respect of Advertising Boards (A Boards) and tables and chairs outside restaurants/cafes, the Licensing Manager confirmed that those matters did not fall within the remit of street trading, but were instead the responsibility of Hertfordshire County Council under the Highways Act 1980.

Attempts had been over the years to have responsibility for A Boards delegated to NHDC, however County had been reluctant to do this mainly due to the expectation of financial recompense to undertake the duties.

The Licensing Manager stated that the main objective of the Policy was to protect the public from unregulated street traders. The Policy also aimed to make things easier for community events to go ahead without having to go through the same process as commercial operators. Accordingly, it was possible for an annual Town Centre consent to be issued to an appropriate Town Centre organisation (such as a BID company or Community Events Forum), so that all community or commercial operators wishing to trade within the town could approach the Town Centre organisation for permission to use their annual consent. A cost could be levied on a commercial operator for use of the consent, with no charge for not-for-profit community organisations.

At the end of the consultation process a draft policy, incorporating the feedback received, would be considered by the Licensing Committee. A referral from the Licensing Committee would then be considered by Cabinet.

Members expressed concern that the placement of A boards and tables and chairs on pavements was being abused to the extent that in some places it was difficult to pass safely.

It was worrying that, the Council was only able to charge enough to cover costs yet the BID was able to charge and in theory make a profit.

They asked for clarification regarding the remit of the District Council in respect of A boards as Hertfordshire County Council did not appear to administer this function, unless a complaint was made.

Members noted that the retail landscape had changed dramatically over the last 5 years and queried whether the policy should be extended to last 7 years.

Members were concerned that annual consents would be issued when payments would remain quarterly and queried what would happen if those payments weren't forthcoming and suggested that those people seeking annual consents should pay in one instalment.

They asked for clarification regarding the land consent/street trading consent link.

The Licensing Manager advised that, in respect of A boards and tables and chairs, although this was a function that could be carried out by the District Council, this had to be by way of a delegation from the County Council.

In respect of charging for consents, NHDC was bound by case law that stated that Councils could not charge more than it costs to administer and enforce any consent permit. This did not preclude the consent holder from making a charge. The aim of the decision to allow Town Centre Partnerships and BID Companies to charge for consents was to allow the process to be costs neutral for them.

The proposed 7 year duration for the Policy would be a maximum duration and the Policy could be revisited before the suggested 7 years if it were necessary. If the Committee decided that the time period should remain at 5 years, this would be taken into consideration. The reason for the proposed extension was to spread the renewal dates of the seven licensing policies, which were all currently due in the same year.

In respect of the proposed extension of duration of the consents, this would reduce unnecessary workloads with consents being issued subject to the quarterly payments being made. The Accounts Departments administer receipt of payments and to date all quarterly payments had been made.

In respect of land and street trading consents the Licensing Manager advised that currently community organisations were required to make separate applications for each of these for the same event. The proposal was that in future one application would be made for both consents and this would be considered by one department of the Council rather than the current two.

Members expressed concern that trading premises were extending further into the highways and that the curtilage of premises were not clear and therefore it was unclear exactly what area could be traded from. The extension of wares and tables outside of premises then can cause problems as far as accessibility issues are concerned.

County Councillor Hone advised that he had requested that the curtilage arrangements for premises in the town centre and therefore the extent to which a shop can extend out from their premises be investigated by County Council officers and was awaiting the results of this request.

The County Council was not concerned about one A board being placed outside of a premise. They were however concerned when multiple A boards and or banners were placed outside premises causing confusion and danger for visually impaired people and reducing the amount of pavement available for pedestrians and wheelchair users.

Members debated the changes in the types of trading taking place in the Town Centre and queried whether the schedule of street where consent permit applications would ordinarily be refused should be amended.

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Members expressed concern that the trading outside of shops, which was not covered by the street trading policy, was obstructing pathways and causing a real danger, particularly for visually impaired people and queries whether the Police would have a role to keep the highway open.

The Licensing Manager advised that it was his understanding that the highway consisted of the road and the footway and it was an offence to obstruct the highway. The Police had, in the past, been requested to deal with an obstruction of the highway, however this was not a priority for them.

It was proposed and seconded that Letchworth Committee strongly supports the delegation of responsibility for the control of A boards and trading outside of premises to North Hertfordshire District Council and encourages Hertfordshire County Council to complete the delegation as soon as possible.

RESOLVED:

- (1) That the report entitled Consultation in Relation to the Proposed Street Trading Policy 2018-2025 be noted;
- (2) That the Licensing Manager be requested to take the following views of the Letchworth Committee into account:
 - (i) That the Policy duration should remain at 5 years;
 - (ii) That annual consents should only be offered if payment was made in one instalment or by quarterly payments via Direct Debit.
- (3) That Letchworth Committee strongly supports the delegation of responsibility for the control of A boards and trading outside of premises to North Hertfordshire District Council and encourages Hertfordshire County Council to complete the delegation as soon as possible.

REASON FOR DECISION: To provide local input into the proposed Street Trading Policy 2018-2025.

21 GRANTS AND COMMUNITY UPDATE

The Communities Officer presented the report of the Communities Manager entitled Grants and Community Update and drew attention to the following:

Grant Applications

There were no grant applications to consider at this meeting. This was possibly due to the timing of the meeting in that applications would have had to be submitted during the summer holidays.

Applications were now being received and it was likely that the December meeting of the Committee would have a number of applications to consider.

Councillors Surgery

The last Councillors surgery was quite busy and a list of issues addressed had been circulated to Members.

The next Councillors surgery would take place on Saturday 16 September 2017 between 10.30 and 12.00.

A Member expressed concern that details of issues were being recorded and passed on to Councillors rather than advice being given on the spot. It was often more effective for the resident to report issues to the Council themselves as they would then be able to monitor the result and get direct feedback.

The Communities Officer advised that, where possible, residents were directed to the relevant department.

Premier Inn – Volunteer Work

The Communities officer had been liaising with the Manager of the Premier Inn regarding projects that their staff could undertake or be involved in as part of their volunteer work.

A number of organisations had expressed interest and she would update the Committee in due course.

Updates on Local Organisations

Members welcomed the detailed updates on local organisations included in the report and commented that this should be a regular feature of future reports

Budget Spreadsheets

Members drew attention to the budget spreadsheets and commented that there were some errors.

The Communities Officer advised that she would check the figures and circulate updated spreadsheets to all Members

RESOLVED:

- (1) That the Communities Officer be requested to include detailed updates on local organisations in all future reports
- (2) That the Communities Officer be requested to circulate updated budget spreadsheets to all Members;
- (3) That the budgetary expenditure, balances and carry forwards from the Development and Visioning Budgets be noted;
- (4) That the actions taken by the Community Development Officer to promote greater community capacity and well-being for Letchworth Garden City be endorsed.

REASON FOR DECISION: To keep Members of the Committee apprised of the latest developments in community activities in Letchworth Garden City.

22 DISCUSSION - LIST OF PROJECTS FOR SECTION 106 FUNDING IN FUTURE AGREEMENTS

The Chairman led a discussion regarding developing a list of capital projects for Section 106 funding in the future.

He reminded Members of the presentation from the Development and Conservation Manager regarding Section 106 funding and that, in future negotiations for Section 106 contributions would centre on previously identified projects.

It was therefore suggested that the Committee identify projects that could be used by the Development and Conservation Manager when negotiating Section 106 contributions from future planning applications.

Members debated that it would be helpful to know where developments would take place in order to suggest projects and noted that a list of proposed developments was circulated to all Members each week.

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Members were advised that the suggestion was to develop and maintain a “wish list” of potential projects that the Planning Control Department could use if a relevant development application was made.

RESOLVED:

- (1) That the Communities Officer be requested to develop and maintain a list of potential projects in Letchworth Garden City that could be used when undertaking negotiations for Section 106 contributions.
- (2) That the following potential projects be included in the list mentioned in (1) above:
 - (i) Children’s playground at Lordship Manor Park;
 - (ii) Play area in Westbury.
- (3) That the Communities Officer be requested to include this issue in her report for every future meeting.

REASON FOR DECISION: To support negotiations for Section 106 contributions.

23 WARD MATTERS AND OUTSIDE ORGANISATIONS - MEMBERS' REPORTS

North Herts Citizens Advice

Councillors Mantle and Rice advised Members that North Herts Citizens Advice were currently in discussion with their Stevenage counterparts with a view to possible amalgamating the two bodies.

NHDC currently paid a substantial grant to North Herts Citizens Advice and there was some concern about how the potential merger would affect services in North Hertfordshire.

Councillor Mantle and Rice undertook to keep the Committee updated regarding this issue.

The meeting closed at 8.53 pm

Chairman