

LICENSING AND REGULATION COMMITTEE**16 February 2011****Attendance:**

Councillors:

Jackson (Chairman) (P)

Baxter (P)
Fall (P)
Hammerton
Izard (P)
Love (P)
Mason (P)Mather (P)
Pearce (P)
Prowse (P)
Read (P)
Thynne
Wright

1. DECLARATION OF INTERESTS

Councillor Jackson declared a personal (but not prejudicial) interest as she was an executive member of the Winchester Bike Week organisation. In this role she might be involved in negotiations for display stalls to be located in the High Street, Winchester during Bike Week to support sustainable organisations. She remained in the room in spoke and voted thereon.

2. STREET TRADING (LESS EXEMPT APPENDIX)

(Report [LR356](#) refers)

The above Report had not been notified for inclusion on the agenda within the statutory deadline. However, the Chairman agreed to accept the item onto the agenda, as a matter requiring urgent consideration, to enable the decision on the future management of Winchester Market to be implemented without delay.

The Head of Legal Services explained that the proposals in the Report to change the legal controls over street trading, if endorsed by the Committee, would be then be subject to a statutory notice being issued. Any representation received in response to this notice would be reported to an additional meeting of the Committee to be held on 28 March 2011. He also referred to the decision of Cabinet on 9 February 2011 for new market management arrangements (Report CAB2100 refers (less Exempt Appendix 3) – as included at Appendix 2 to Report LR356).

During discussion, the Head of Legal Services emphasised that the streets to be designated under the new controls (based on the existing list as set out at Appendix 1 to the Report) were not areas necessarily intended to be used for street trading under the proposals, rather, they were streets where there would be legal controls to limit this. Furthermore, the new controls would

replicate those already in place. It was also clarified that Traffic Regulation Orders were not required as part of the proposals, because it was envisaged that traffic would still be permitted along the relevant streets subject to existing traffic regulation restrictions.

The Committee requested that a representative of the Estates Team attend the meeting of the Committee on 28 March 2011 to assist with Members' questions that may arise during discussion of representations received on the proposals. Members requested that disabled groups be specifically invited to comment.

The Committee referred to the streets to be designated under the new controls (as set out at Appendix 1 to the Report) and requested that the Head of Legal Services review this to ensure that it was fully comprehensive. It was agreed that the controls should cover Friarsgate from its junction with Eastgate Street to its junction with Upper Brook Street, together with St Clements Street, Minster Lane, St Thomas' Street, and Little Minster Street.

RESOLVED:

1. That in accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982, the provisions of Schedule 4 of the Act (Street Trading) be adopted with effect from 17 February 2011.

2. That notice be given in accordance with Paragraph 2 of Schedule 4 of the 1982 Act of the intention to pass a resolution to designate as consent streets those streets listed in Appendix 1 to the Report (subject to the amendments referred to above).

3. That a report be brought to a meeting of the Licensing and Regulation Committee on 28 March 2011 to consider any representations received in response to the notice, and including details of fee arrangements, policy matters, and any changes to the Scheme of Delegation as required.

3. **EXEMPT BUSINESS**

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Street Trading , Exempt Appendix 3 of CAB2100) Information relating to the) financial or business affairs) of any particular person) (including the authority) holding that information).) (Para 3 Schedule 12A refers)) Information which reveals) that the authority proposes:-) (a) to give under) any enactment) a notice under) or by virtue of) which) requirements) are imposed on) a person; or) (b) to make an) order or) direction under) any enactment.) (Para 6) Schedule 12A) refers)

4. **STREET TRADING, EXEMPT APPENDIX 3 OF REPORT CAB2100**
 (Report LR351 refers)

RESOLVED:

That the exempt information in appendix 3 of Report CAB2100 be noted.

The meeting commenced at 2.35pm and concluded at 3.30pm

Chairman