

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 26 September 2017

Committee:
Strategic Licensing Committee

Date: Wednesday, 4 October 2017
Time: 10.00 am
Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Keith Roberts (Chairman)
Simon Jones (Vice Chairman)
Peter Adams
Roy Aldcroft
Dean Carroll
David Evans
Simon Harris
Mark Jones
Paul Milner
Kevin Pardy
Vivienne Parry
Ed Potter
Harry Taylor
Dave Tremellen
David Vasmer

Substitute Members of the Committee

Ted Clarke
Pauline Dee
Nigel Hartin
Richard Huffer
Matt Lee
Pamela Moseley
Clare Aspinall
Elliott Lynch
William Parr
Paul Wynn

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 4)

To confirm the Minutes of the Meeting held on 14th June 2017.

Contact: Shelley Davies (01743 257718)

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Friday, 29th September 2017.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Designation of Streets Under the Local Government (Miscellaneous Provisions) Act 1982 (Pages 5 - 54)

Report of the Transactional and Licensing Manager is attached, marked 5.

Contact: Mandy Beever (01743 251702)

6 Exercise of Delegated Powers (Pages 55 - 62)

Report of the Transactional and Licensing Manager is attached, marked 6.

Contact: Mandy Beever (01743 251702)

7 Records of Proceedings - Licensing Act Sub-Committee (Pages 63 - 82)

To note the records of proceedings of the Licensing Act Sub-Committee meetings for May to September 2017.

Minutes of the following meetings are attached for the Committees information:

- 5th June 2017
- 15th June 2017
- 28th June 2017
- 10th July 2017

Contact: Emily Marshall (01743 257717) or Shelley Davies (01743 257718)

8 Appointment of Substitutes to Licensing and Safety Sub-Committee

To appoint substitute members to the Licensing and Safety Sub-Committee.

9 Future Agenda Items

An opportunity for Members to identify additional matters that ought to be brought before the Committee for consideration at future meetings.

10 Date of Next Meeting

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 13th December 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee & Date

Strategic Licensing Committee

4th October 2017

Item

2

Public

MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 14 JUNE 2017 IN THE SHREWSBURY ROOM, SHIREHALL, SHREWSBURY 10.00 - 10.18 AM

Responsible Officer: Shelley Davies

Email: Shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Keith Roberts (Chairman)

Councillors Peter Adams, Roy Aldcroft, Dean Carroll, David Evans, Simon Jones (Vice Chairman), Paul Milner, Vivienne Parry, Ed Potter and Harry Taylor

6 Apologies

Apologies for absence were received from Councillors Mark Jones, Kevin Pardy, Dave Tremellen and David Vasmer.

7 Minutes of Previous Meeting

Resolved:

That the Minutes of the meetings held on 22nd March and 18th May 2017 be approved as a correct record and signed by the Chairman.

8 Public Question Time

There were no public questions or petitions received.

9 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

10 Appointment to Licensing and Safety Sub Committee

The Committee were asked to confirm the delegated powers to the Licensing and Safety Sub-Committee for the municipal year 2017 to 2018 (see minute 10 of the meeting held on 8th June 2011) and to appoint its membership. Members were reminded that this Sub-Committee's powers were mainly used for dealing with matters concerning hackney carriage and private hire vehicles and drivers.

RESOLVED:

1. That, a standing Licensing and Safety Sub-Committee be established comprising 5 members of the Strategic Licensing Committee and with full delegated powers to discharge the Council's Licensing and Safety functions as set out in Annex A of the report to the Strategic Licensing Committee, see Minute 10 of the meeting held on 8th June 2011.
2. That the rules of the Licensing and Safety Sub-Committee be those that were set out in Annex B of the report to the Strategic Licensing Committee, see Minute 10 of the meeting held on 8th June 2011.
3. That Councillors Simon Jones, Dean Carroll, Paul Milner, Harry Taylor and Roy Aldcroft be appointed to serve on the Sub-Committee.

11 Exercise of Delegated Powers

Consideration was given to the report of the Transactional and Licensing Manager in relation to delegated powers to issue and amend licences. (copy attached to the signed minutes).

RESOLVED:

That the report of the Transactional and Licensing Manager be noted.

12 Records of Proceedings - Licensing Act Sub Committee

The records of proceedings of the Licensing Act Sub-Committee meetings from February 2017 to April 2017 were received by Members (Copy attached to the signed minutes).

RESOLVED:

That the records of proceedings of the Licensing Act Sub-Committee meetings from February 2017 to April 2017 be noted.

13 The Future Agenda Items

The Committee were given the opportunity to identify additional matters that ought to be brought before the Committee for consideration.

The following items were raised:

- Changes to Law – Update – The Transactional and Licensing Manager advised Members that any changes in the law would be reported to the relevant Committee meeting.

- Licensing Finance Update – The Trading Standards & Licensing Operations Manager advised that this information will be reported at the October meeting.
- The Night-time Economy – The Trading Standards & Licensing Operations Manager explained that a Task and Finish Group had been set up by Enterprise and Growth Scrutiny Committee to review this matter and the findings would be shared with the Committee in due course.
- Taxi ranks in Ludlow – The Transactional and Licensing Manager advised the Member that raised this issue to contact the relevant officer to set up a meeting to discuss the matter further. It was added by the Transactional and Licensing Manager that Shropshire Council Highways were responsible for providing taxis ranks and if additional ranks were required the drivers would need to discuss this matter with the Highways section.
- The impact of increased opening hours for pubs and clubs – It was noted that every application was dealt with on its own merits and if relevant objections were received the application would be considered by the Licensing Act Sub-Committee. The Solicitor added that if residents had concerns with a particular premises they could request a review of the premises licence.
- Taxi Marshalls – The Transactional and Licensing Manager explained that the Primary Care Trust provided the funding for Marshalls and advised Members to contact the Community Safety Partnership if they felt this was necessary.

RESOLVED:

No future agenda items were identified.

14 Date of Next Meeting

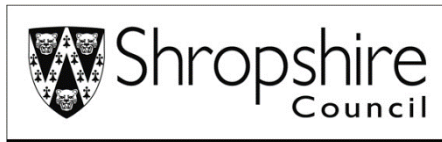
RESOLVED:

It was noted that the next meeting of the Strategic Licensing Committee would be held on Wednesday, 4th October 2017 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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Committee and Date

Strategic Licensing
Committee

4 October 2017

Item

5

Public

DESIGNATION OF STREETS UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Responsible Officer Mandy Beever – Transactional and Licensing Team Manager

e-mail: Mandy.beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1** The purpose of the report is to seek the Committee's approval for the designation of streets as Prohibited, Licence and Consent in accordance with Local Government (Miscellaneous Provisions) Act 1982.
- 1.2** The administration of Street Trading includes the determination of Prohibited, Licence and Consent Streets, the setting of fees, the administration of licenses and consents, and enforcement in the event of non-compliance.
- 1.3** The control of Street Trading is currently based on the regimes that existed within the previous District and Borough councils (South Shropshire District Council, North Shropshire District Council, Shrewsbury and Atcham Borough Council, Oswestry Borough Council and Bridgnorth District Council) prior to the formation of Shropshire Council ('the Council').
- 1.4** Street Trading is a function of the Council. However, under provisions in the Local Government Act 1972, the Council can delegate the responsibility for the function to Town and Parish Councils. Responsibility for the function emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading has been delegated to Bishops Castle, Ludlow, Oswestry and Shifnal Town Councils.
- 1.5** In practice Ludlow Town Council proactively administers and enforces the function. Bishops Castle and Shifnal Town Councils retain the function. Oswestry Town Council has requested that Shropshire Council resumes the function.

- 1.6** Work has been undertaken to rationalise and align Street Trading controls across the whole administrative area of the Council. This has led to proposed amendments to designated streets. In addition, a revised Street Trading Policy is currently being drafted in response to a public consultation that was undertaken between the 30 January 2017 and the 26 March 2017; this will form the subject of a future report to the committee and will include the agreed designated streets.

2. Recommendations

- 2.1** That the Committee approves, with any necessary amendments, the designation of streets as set out in **Appendix B** of the report.
- 2.2** That the Committee instructs the Transactional and Licensing Team Manager to publish and serve the relevant notices, setting out the designation of streets, as required by Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.3** That where there are representations that object to the designation of streets as set out in **Appendix B** the Committee instructs the Transactional and Licensing Team Manager to bring a further report before the Committee to enable those representations to be considered in accordance with Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.4** That where no representations or only supporting or neutral representations are received, the Council resolves through delegated authority granted to the Strategic Licensing Committee, to pass a resolution designating the streets as set out in **Appendix B** with effect from 1 April 2018 and further instructs the Transactional and Licensing Team Manager to make the necessary arrangements as set out within Section 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to give effect to the designations.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1** The Council adopted the Street Trading provisions under the Local Government (Miscellaneous provisions) Act 1982 for the whole of the Shropshire Council administrative area on the 26 January 2017.
- 3.2** Following the formal adoption, it is now necessary to ensure that the streets have the appropriate designation. For this purpose a consultation process was undertaken. Initially this related to a revised Street Trading Policy together with a review of the existing designated streets. This was to determine whether the existing Prohibited and

Consent Streets were fit for purpose; particularly given the very different economic climate within which Street Trading is now undertaken in comparison to when the legislation was originally adopted over thirty years ago.

- 3.3** A decision has subsequently been taken to separate the development of the policy from the designation of specific streets and as a result this report focuses on the designation. However, the responses to the consultation, as set out at **Appendix A**, relate to both on the basis that separation was impractical without losing the necessary context.
- 3.4** The responses to the consultation and officer comments are set out at **Appendix A**.
- 3.5** Ellesmere Town Council requested a number of amendments to their existing consent streets and that Church Lane, Love lane and St John's Hill become prohibited streets.
- 3.6** Oswestry Town Council requested all of the current consent streets in the town centre to become prohibited streets. In addition, the Town Council has requested that Shropshire Council resumes the function of the administration and enforcement of Street Trading that was previously delegated to it in 18 July 2013.
- 3.7** Shrewsbury Town Council responded in support of converting Consent Streets to Licence Streets on the basis that this would provide greater control over Street Trading applications. Officers support this change as Licence Streets provide a more robust basis on which to undertake sufficient checks for safeguarding purposes. Licence Streets provide for greater scrutiny as to the suitability of applicants thus strengthening the Councils ability to satisfy its safeguarding responsibilities by further protecting children, young persons and adults with care and support needs from harm. This also provides Street Traders with a fairer and more just system that allows them to challenge decisions that are made by the Council. Consequently, it is proposed to convert Consent Streets to Licence Streets and amend the proposed Policy to discourage the designation and use of Consent Streets.
- 3.8** Shrewsbury Town Council has requested that St Mary's Closed Church Yard, the entrance to Porthill Bridge off Porthill and the area adjacent to the Footbridge Access Ramp on the Frankwell Carpark be designated as Licenced Streets and that Street Trading activity be co-ordinated with other town centre events by way of only allowing Street Trading Activity to be permitted when the trading activity forms part of another planned event under the Shrewsbury Town Council's Premises Licence.
- 3.9** Highways England (HE) is the responsible authority for the Strategic Road Network (SRN) in Shropshire this includes the M54 motorway and A5, A49, A458 and A483 trunk roads. HE has requested that all SRN roads for which they hold responsibility become Licenced Streets.

This is in support of their work to ensure the safety and effective operation of the SRN. HE has indicated that this will encourage prospective businesses to invest in higher quality facilities and properly maintain the upkeep of their trading location.

- 3.10** HE advised that it would be beneficial if the introduction of Licenced Streets was extended across the county to all A and B class roads to provide a consistent approach to licensing and enforcement. This request was discussed with Shropshire Council's Highways and Transport Service. Shropshire Council's Highways and Transport Service supported this request and expressed a wish for all A and B roads for which they have responsibility to become Consent/Licenced Streets.
- 3.11** Shropshire Council's Highways and Transport Service also specified that the Lay-by near to the Wolfshead Roundabout on the old A5 at Nesscliffe and all of Battlefield Way in Shrewsbury be designated as Consent/Licenced Streets.
- 3.12** In consideration of the requests identified in paragraphs 3.8 to 3.10 a further consultation was undertaken with businesses trading from the roadside. This consultation was undertaken between the 7 August 2017 and the 25 August 2017. Where it was possible to identify and locate the businesses concerned a letter was hand delivered explaining the impact of the proposed changes and set out the way in which traders could respond to the consultation.
- 3.13** A number of telephone enquiries and one written response sought clarification and officers provided appropriate responses. A further response concerned the fee payable; this will be taken forward as part of the fee setting process.
- 3.14** As a result of the consultation responses it is proposed that the streets will be designated as set out in **Appendix B**.
- 3.15** Given the safeguarding responsibilities that the Council has, it has been recognised that the Consent Street provisions potentially limit the Council's ability to adequately scrutinise the suitability of applicants and undertake sufficient checks for safeguarding purposes. Consent Streets also limit the Street Traders' right to challenge the decision made by the Council. Consequently, as part of the consultation process active consideration was given to converting Consent Streets to Licence Streets and to amending the draft Policy to discourage the designation and use of Consent Streets in the future. Responses received were largely silent in this respect; however, support for this approach was provided by Shrewsbury Town Council and no direct opposition was expressed.
- 3.16** Consequently, the drive for this change now comes from officers of the Council based on the positive impact that the change will bring in relation to the human rights of both applicants and their customers,

including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8). As a result, it is proposed that any street already designated as a Consent Street will become designated as a Licensed Street; this includes the newly designated streets proposed as part of the consultation responses.

- 3.17** Moving towards the designation and use of Licence Streets will have a positive impact on Human Rights, including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8), of both applicants and their customers. On this basis, the recommendations contained in this report are compatible with the provisions of the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications.
- 3.18** An Equality and Social Inclusion Impact Assessment (ESIIA) has been carried out and informed by the feedback from the consultation process. Currently the overall conclusions from the ESIIA are that the impact on the 'Protected Characteristic Groups and Other Groups in Shropshire' are in the 'low positive or negative impact' category. The ESIIA has been drafted throughout this process and will continue to be updated and brought before the Strategic Licensing Committee with the Street Trading Policy Report.

4. Financial Implications

- 4.1** There are direct financial implications associated with the recommendations. This relates to the costs associated with the legal requirement to publish details of the resolution on three occasions in a local newspaper. There is also officer time required to undertake the whole process. The officer time and associated costs can be recovered through the licence/consent fees that are determined by the cost recovery fee setting process.
- 4.2** In 2014/15 Shropshire Council received 35 Street Trading applications and issued 31, with associated licence fees of £5,165. In 2015/16, 18 applications were received and 12 issued, with associated licence fees of £4,891. In 2016/17, 8 applications were received and 8 issued, with associated licence fees of £2,063. If the Committee accept the proposals as set out at **Appendix B** to this report there is likely to be an increase in Street Trading applications and associated licence fees that will be set on a cost recovery basis. This is due to the shift from town centre controls towards controlling all SRN and A and B Roads.

5. Background

- 5.1** The legal controls relating to Street Trading are contained in Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1980. These include the designation of streets, setting of fees, the

administration of licences and consents, and enforcement in the event of non-compliance.

- 5.2** Street Trading legislation is adoptive by the District, Borough or Unitary Councils for their particular areas. Where a local authority has adopted the legislation, it can then determine which streets if any, within its area are to be designated as Licence, Consent or Prohibited Streets.
- 5.3** The former South Shropshire District Council, North Shropshire District Council, Oswestry Borough Council and Shrewsbury & Atcham Borough Council adopted the provisions and designated specific streets as Prohibited and Consent. These streets have remained as Prohibited and Consent by virtue of the Unitary Council process.
- 5.4** Bridgnorth District Council did not adopt the legislation and hence there are no designated streets in what was Bridgnorth District Council administrative area.
- 5.5** Under the previous District and Borough councils no Licence Streets were designated. As a consequence, there are currently no Licence Streets in the Shropshire Council Administrative Area.
- 5.6** Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licence or consent and they are defined as:
- ‘Prohibited Street’ means a street in which street trading is prohibited.
 - ‘Licence Street’ means a street in which street trading is prohibited without a licence granted by the council.
 - ‘Consent Street’ means a street in which street trading is prohibited without the consent of the council
- 5.7** Where a street has not been designated as either Prohibited, Licence or Consent, the Council has no regulatory responsibility under Street Trading legislation and therefore, no permissions are required from the Council. However, Street Traders must always seek permission to use the land from the land owner. This includes Shropshire Councils Highways and Transport Service or Highways England where the land is a highway.
- 5.8** It is illegal to trade in those streets designated as Prohibited Streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a Licence or Consent Street, traders must apply for a Street Trading Licence or Consent and be granted permission to trade. Within the Council this process is undertaken by the Licensing Team.

- 5.9** Prior to submitting an application the Street Trader must ensure they have permission to use the land from the land owner. The permission to use the land is separate from gaining permission to trade.
- 5.10** Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Bishops Castle, Ludlow and Shifnal Town Councils all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading. Similarly, on the 18 July 2013, the Council delegated these powers to Oswestry Town Council. The powers delegated to Oswestry Town Council relate to the Administrative Area of the former Oswestry Borough Council; however, current practice is such that the delegation relates only to the area for which Oswestry Town Council has responsibility.
- 5.11** Where Street Trading provisions are delegated, the decision on where and when Street Trading should be permitted can be exercised more locally. Should additional Town and Parish Councils express an interest in taking on responsibility for the Street Trading function, this has the potential to enhance the localism of service provision.
- 5.12** Enabling the powers to be exercised at the most local level has clear benefits for Shropshire communities, allowing more informed decisions regarding how Street Trading is conducted according to the nature of the local area. However, based on the responses from the consultation there is no appetite for this function to be delegated to a more local level.

6. Additional Information

- 6.1** The recommendations make it clear that the resolution to designate the streets will only become effective where there are no objections received as part of the legal process. If objections are received this will come before the Committee for a final decision.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Government (Miscellaneous Provisions) Act 1982 s.3 and Schedule 4

Local Government Act 1972 s101 (1) (b)

Strategic Licensing Committee, 9th December 2010: Street Trading – Delegation of Powers to Ludlow Town Council

Strategic Licensing Committee, 5th June 2013: Street Trading – Delegation of Powers to Oswestry Town Council

Strategic Licensing Committee, 25th January 2017: Street Trading Policy Consultation

Cabinet Member (Portfolio Holder)

Councillor Robert Macey - Portfolio holder for Planning and Regulation

Local Member

Applicable to all Members

Appendices

APPENDIX A – Consultation Responses and Officer Comments

APPENDIX B – Table of existing streets and proposed amendments/additions

Appendix A

Summary of the Consultation Responses

Appendix Letter/ Document Number	Para. No.	Included in Revised Policy [Y/N, In Part or Supporting Proposals (SP)]	Officer Comments Explanatory Notes
Doc 1	1	SP	Comments Noted
Doc 2	1	N	The level of engagement and consultation will be limited to the site notice being made available which all parties are able to view and respond to within the consultation period. Any decisions will be made in accordance with the policy. Where the Town Council has concerns in regard to insufficient enforcement and concerns about engagement/consultation further discussions regarding delegated authority will need to take place.
Doc 2	2	Y	Further clarification requested in regard to this paragraph with further responses logged at paragraphs 3 to 8 below.
Doc 2	3	Y	New Wharf Road added as a Consent Street.
Doc 2	4	Y	Scotland Street between the junctions of Victoria Street and Market Street added as a Consent Street.
Doc 2	5	Y	Confirmation that reference made to Church Lane was in fact Church Hill.
Doc 2	6	Y	Clarification on location of Love Lane.
Doc 2	7	Y	Stated streets removed from the map further clarification sought on the need for these streets to be prohibited. Further response paragraph 9 below.
Doc 2	8	Y	All streets that the Town Council requested to be Consent Streets have been included.
Doc 2	9	Y	All streets that the Town Council requested to be Prohibited Streets have been included.
Doc 3	1	In Part	The Council is concerned to ensure that the Policy avoids duplicating legal obligations required by legislation that

			is not the direct responsibility of the Licensing Service. The draft policy has been amended to advise applicants to seek clarification from the relevant responsible authority. The Council will include a list of responsible authorities on the application form and the website.
Doc 4	1 to 14	N	Paragraphs provide context to the requirements outlined below and do not require a specific amendment to the Policy.
Doc 4	15	Y	States the Oswestry Town Council's desire to change all of the current Consent Streets to Prohibited Streets.
Doc 4	16	N	Paragraph sets out Oswestry Town Council's current position in relation to the granting of Street Trading Consents and do not require a specific amendment to the Policy.
Doc 4	17	Y	States Oswestry Town Council's desire to hand back the responsibility for Street Trading to Shropshire Council if agreement is reached to Prohibit the current Consent Streets. (See document 5 for further clarification.)
Doc 5	1	Y	Oswestry Town Council Markets and Car Parks Committee agreed to prohibit Street Trading in Oswestry Town Centre and hand back the delegation of Street Trading to Shropshire Council.
Doc 5	2	Y	In the event that Shropshire Council seeks to change its Street Trading Policy in the future Oswestry Town Council has requested a full consultation exercise and a discussion on delegation.
Doc 5	3	N	The concerns raised about organisations such as Talk Talk and Sky who collect direct debit sign-ups are outside the scope of this consultation as this is not Street Trading as defined by the relevant legislation.

Doc 6	1	Y	Acknowledgement of opportunity for Shrewsbury Town Council to be consulted.
Doc 6	2	Y	Recognition of the existing Prohibition of streets works well alongside the limited Consent Streets. Identification of areas which should be listed as Consent Streets where Street Trading currently takes place without permission. Porthill Bridge off Porthill and a small area of Frankwell Car Park.
Doc 6	3	Y	This paragraph is in two parts; firstly, the identification of a new area for consideration for Street Trading (St Mary's Closed Church Yard), and secondly, Shrewsbury Town Council wholly support the conversion of existing Consent Streets to Licenced Streets.
Doc 6	4	Y	Acknowledgement that Street Trading Activity has been taking place as part of larger events in the town.
Doc 6	5	Y	Shrewsbury Town Council would like to co-ordinate Street Trading with other town centre events and have requested additional areas to be designated as Consent/Licenced streets.
Doc 6	6	Y	Shrewsbury Town Council have requested additional wording within the Street Trading Policy to only allow Street Trading to be permitted when the trading activity forms part of another planned event under the Shrewsbury Town Council's Premises Licence.
Doc 7	1	Y	Highways England provided clarity on the roads within Shropshire they have responsibility for. These roads will be referenced in the proposed policy.
Doc 7	2	Y	Highways England confirmed they are generally in support of the proposals within the draft policy.
Doc 7	3	Y	Amendments to policy will be made to ensure applicants for Street Trading provide proof of permission to trade from Highways England where

			appropriate.
Doc 7	4	Y	Further clarification sought from Shropshire Council Highways Department with regard to the road network for which they, rather than Highways England, have responsibility for. Shropshire Council Highways Department are in agreement with Highways England's response (see Shropshire Council Highways response documents 8 & 9 below).
Doc 7	5	Y	Amendments to policy will be made to ensure applicants for Street Trading provide proof of permission to trade from Highways England where appropriate.
Doc 7	6	Y	Proposed amendments included in the draft document.
Doc 7	7	Y	Amendments to policy will be made to specifically include lay-bys as consent/licensed streets.
Doc 7	8	Y	Highways England state their support for the entire strategic road network in the Shropshire Council area being adopted as consent streets.
Doc 7	9	Y	Amendments to policy will be made to ensure applicants for Street Trading provide proof of permission to trade from Highways England where appropriate.
Doc 8	1	Y	Meeting held with Shropshire Council Highways to request further clarification on Highways England recommendation at Document 7 paragraph 4.
Doc 8	2	Y	One of the area Highways Managers provided a response to the consultation on behalf of all five area Highways Managers.
Doc 8	3	Y	Details provided of known locations of existing street traders on Shropshire A and B roads
Doc 8	4	Y	Shropshire Council Highways confirmed they had no further comments about the streets listed in the proposed policy.
Doc 8	5	Y	Further clarification required from Shropshire Council Highways – see document paragraph
Doc 8	6	Y	Content noted

Doc 8	7	Y	Content noted
Doc 8	8	In part	Shropshire Council Highways suggestion of recharge for inspections.
Doc 8	9	Y	See Document 8 Paragraph 3 above.
Doc 9	1	Y	Further clarification sought from Shropshire Council Highways with reference to Document 8 Paragraph 5 above.
Doc 10	1	Y	Confirmation received from Shropshire Council Highways with reference to Document 9 Paragraph 1.
Doc 11			Confirmation received from Shropshire Council Highways of the two locations that are not classed as A or B Roads where they have authorised the use of the land. Battlefield Way, Shrewsbury and the old A5 at Nescliffe. (Maps of the specific locations were attached to the response).
Doc 12			Consultation letter sent to existing traders identified by Shropshire Council Highways not currently requiring a street trading consent or licence
Doc 13	1	N	Additional information requested from existing trader
Doc 13	2	N	Clarification provided on proposed changes with request for response in writing before 25 th August 2017 (no response received)
Doc 14	1	N	Existing trader objection to proposals
Doc 14	2	Y	Recognition that the administration of Street Trading Consents incurs a cost to the Council.
Doc 14	3	N	Existing trader questioning relevance of current daily fee structure to traders operating all year round. Licensing fees and charges are currently being calculated as part of the annual fees and charges report and this will be considered within that process.
Doc 14	4	N	Questions make up of fee in relation to service received for payment of fee. The fee is primarily generated by the costs of covering the processing of the application and the associated background checks and safety inspections on the operator and

			trading location. Licensing fees and charges are currently being calculated as part of the annual fees and charges report and this will be considered within that process.
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WOORE PARISH COUNCIL

Clerk: Miss S.H. Pimlott
North Barn,
Coole Lane,
Nantwich,
Cheshire CW5 8AB

Tel: 01270 624359
Email: clerk@wooreparishcouncil.org

Licensing,
Shropshire Council,
Shirehall,
Abbey Foregate,
Shrewsbury,
Shropshire SY2 6ND

SENT BY EMAIL AND BY POST

1st March 2017

Dear Sirs,

Shropshire Council Street Trading Policy 2017-2022 Consultation

- ① Further to your email of 30th January concerning the above policy, I write to indicate that, at its meeting on 13th February 2017, Woore Parish Council resolved to approve and support that policy.

Yours faithfully,

Sarah Pimlott
Clerk to Woore Parish Council

Good afternoon,

Please find the response on the above consultation from Ellesmere Town Council which was approved by Full Council on the 6th March, 2017.

- ① **That they agree with the schedule of streets as listed and to advise Shropshire Council that the Town Council wish to keep under review the possibility of delegation of the licensing responsibility to the Town Council in the future. There were concerns regarding the enforcement aspect but in the meantime the Town Council expect meaningful engagement/consultation on any licensing applications and decisions being made by Shropshire Council under the proposed policy.**
- ② **The map and list of streets do not match in certain areas such as the map shows: Church Lane, Love Lane and St. John's Hill included but they are not on the list and Mereside is not marked on the map. Also, Scotland Street should be recorded as "part" and New Wharf Road should be added onto the list of Consent Streets.**

Kind regards,

Mandy

Mandy Evans
Town Clerk and Responsible Finance Officer
Ellesmere Town Council

Tel: (01691 622689)
Email: clerk.ellesmeretc@btinternet.com

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27/04/2017 10:53:10

From: "Mandy Evans" <clerk.ellesmeretc@btinternet.com>
Sent: 19/04/2017 11:21:17
To: "Jessica Moores" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A96F8C73EA8496C95D0676A587779A3-JESSICA MOO>
Subject: RE: Shropshire Council Street Trading Policy 2017 - 2022

Hi Jessica,

Please find clarification from the Planning, Economic, Development Land Committee.

Regards,

Mandy

From: Jessica Moores [mailto:Jessica.Moores@Shropshire.gov.uk]
Sent: 12 April 2017 12:15
To: 'clerk.ellesmeretc@btinternet.com'
<clerk.ellesmeretc@btinternet.com>
Subject: Shropshire Council Street Trading Policy 2017 - 2022

Hello Mandy

Thank you for submitting Ellesmere Town Council's response to the Street Trading Policy 2017 – 2022. Having reviewed all the comments received there are just a few points of clarification we require from Ellesmere Town Council:

- ③ Ellesmere Town Council would like New Wharf Road to be adopted as a consent street for street trading? Confirmed.
- ④ The area of Scotland Street which should be named as a consent street is between the junctions of Victoria Street and Market Street? Yes.
- ⑤ Where Church Lane has been referred to does this mean Church Hill? If not where is Church Lane? Should be Church Hill.
- ⑥ Where is Love Lane? Off Birch Road. Between Birch Road and St. John's Hill.
- ⑦ For the streets on the map which are not included in the list – Church Lane, Love Lane and St John's Hill, would the Town Council like these to be included as consent streets, or removed from the map? Removed and should be prohibited areas.
- ⑧ Does the council wish for all streets to remain as consent streets? All the streets the Town Council agreed to in their response.

If you would be able to respond to the above by the 21st April I would be grateful. Please let me know if you have any questions.

Kind regards

Jessica Moores

From: Mandy Evans <clerk.ellesmeretc@btinternet.com>
Sent: 12 May 2017 12:10
To: Licensing
Subject: RE: Shropshire Council Street Trading Policy 2017 - 2022

Hi Jessica,

- ⑨ The Town Council's opinion is that the narrowness of these streets make them appropriate to be assigned as prohibited streets.

Hope this helps,

Mandy

From: Jessica Moores [mailto:Jessica.Moores@Shropshire.gov.uk] **On Behalf Of** Licensing
Sent: 12 May 2017 10:21
To: 'clerk.ellesmeretc@btinternet.com' <clerk.ellesmeretc@btinternet.com>
Subject: Shropshire Council Street Trading Policy 2017 - 2022

Hi Mandy

Thank you for your below email.

I just need a bit of further clarification re. the below comment

- For the streets on the map which are not included in the list – Church Lane, Love Lane and St John's Hill, would the Town Council like these to be included as consent streets, or removed from the map? Removed and should be prohibited areas.

Where 'prohibited areas' are referred to, is the Town Council asking that Church Hill, Love Lane and St John's Hill are removed from showing as consent streets on the maps – as this was an error in the mapping in the draft, and returned to showing no designation as far as street trading is concerned (as they have been up to now). Or are the Council asking that these streets specifically are adopted as 'prohibited streets' as defined by the street trading policy?

Sorry to come back to you again on this, we just need to clarify exactly what has been requested to ensure the Town Council's requirements can be met through the policy.

Kind regards

Jessica Moores
Public Protection Officer - Professional
Trading Standards & Licensing

Doc 3

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Dear Sir/Madam.

I am emailing you feedback concerning the above policy.

- ① Shropshire Fire & Rescue Service (SFRS) would like to ensure that any potential Traders, Caterers, Event Organisers etc. are aware of their legal requirements concerning adequate fire safety provisions. The Regulatory Reform (Fire Safety) Order 2005 requires that any premises, other than a single domestic dwelling would require a suitable and sufficient fire risk assessment to be carried out. The Responsible Person is also required to complete written findings of the Actions, Control Measures and list the Fire Safety Provision within their demise.

The information detailed below should be referenced within the Street Trading Policy:

Fire Safety

Compliance with the Regulatory Reform (Fire Safety) Order 2005: (FSO)

The person responsible for planning public events should be aware of their legislative duties under the above Order.

For larger events, in larger buildings or temporary structures or where high risk activities such as fireworks are planned, it may be necessary to employ a 'competent person' who has relevant training and experience in fire safety risk assessment and management, such a person may be needed to assist the organisers in undertaking the following:-

- ☛ Fire Risk Assessment
- ☛ General Fire Precautions
- ☛ Fire safety management, including testing and maintenance of fire safety provisions
- ☛ Assessing the adequacy and requirements for escape routes and exits
- ☛ Maximum safe occupancy levels for places of assembly
- ☛ Evacuation planning – Incorporating a ‘dynamic’ Crowd Management Plan
- ☛ Provision of suitable fire alarms and emergency lighting
- ☛ Provision and location of suitable firefighting equipment
- ☛ Provision of trained stewards or other staff for firefighting and evacuation
- ☛ Carrying a fully ‘integrated’ evacuation plan. This should also incorporate those other premises in close proximity to your event. An evacuation of a large business would undoubtedly have an impact on your event, likewise your event may also have an impact on the other premises evacuation strategies

Shropshire Fire and Rescue Service, Fire Safety Officers are able to advise on the steps necessary to achieve compliance with fire safety regulations, and to provide the "Responsible Person"™ with relevant guidance on how to prepare and manage events safely but; the Service will not plan it for you, or formulate your event documentation.

As an enforcement authority we have a duty to ensure full compliance with the FSO is achieved, therefore we cannot take "ownership" of any of the Risk Control Measures detailed in your Event Documentation.

At all times it remains the duty of the "Responsible Person"™ to ensure the necessary measures are identified, taken and maintained to ensure the safety of people from fire.

A failure to do so, where persons are placed at risk of injury, is a serious criminal offence for which the "Responsible Person"™ may be prosecuted.

Guidance for planning fire safety and carrying out effective fire risk assessments at events in places of assembly or open air events is available for free download on:

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-open-air-events-and-venues>

A link below also takes you to the SFRS website. Here you can find various fire risk assessment templates and additional advice:

<https://www.shropshirefire.gov.uk/safety-at-work/regulatory-reform-order>

Further guidance on fire appliance access requirements is provided below:

- ☛ Access routes to and within the site should be checked to make sure that they can take the maximum weight and wheelbase of fire engines (see Table 4)

Table 4 Typical access requirements for fire engines

Appliance type	Width of road (metres)	Width of gateway (metres)	Turning circle (metres)	Clearance height (metres)	Weight (tonnes)
Pump	3.7	3.1	16.8	3.7	12.5 - 17
High Reach	3.7	3.1	29.0	4.0	17-25

Emergency Response Planning " Fire

Persons planning events should give detailed consideration to the needs of the fire and rescue service and in particular the following:-

- ☛ Liaison with fire and rescue service before the event (directly or through the Safety Advisory Group)
- ☛ Summoning the fire and rescue service in event of emergency
- ☛ Liaison with the fire and rescue service on arrival at and during an emergency
- ☛ Access for fire and rescue service vehicles and equipment
- ☛ Water supplies for fire fighting

All considerations must be applied, with due regards to, the size of event, numbers of attendees, risk profile of attendees, location of event and be site specific (generic documentation will not be considered acceptable).

If I can assist in any other way, or to aid clarification please do not hesitate to contact me on the details below.

Regards,

Paul.


Paul Fulgoni | Watch Manager - Development / Projects

A: Protection Department, Shropshire Fire and Rescue Service,
St Michael's Street, Shrewsbury, Shropshire, SY1 2HJ.

T: 01743 260256 | M: 07791452418 |

E: paul.fulgoni@shropshirefire.gov.uk Secure E: paul.fulgoni@sfrs.cjsm.net |

W: www.shropshirefire.gov.uk

 SFRS-logo-1-white-background

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OSWESTRY TOWN COUNCIL – STREET TRADING IN OSWESTRY TOWN

PURPOSE

- ① This document aims to set out the Town Councils aspiration for street trading in the town and it has been prepared in response to Shropshire Council's feedback on the Oswestry Town Council (draft) Street Trading Policy.

OBJECTIVES

- ② The Town Council have been clear in setting that in accepting the delegation of street trading powers from Shropshire Council they wish to
 - Protect Oswestry's Heritage as a Market Town;
 - Encourage footfall throughout the Town Centre area;
 - Support Town Centre businesses.

Context

- ③ Markets have been a major part of the trading and historical importance of Oswestry and have existed for many centuries. The first known Charter was granted during the reign of Henry II when the Town was known as Whiteminster. In 1262 a Charter was granted by John FitzAlan, Lord of the Manor To our Burgesses of our village of Oswaldestree.

- ④ Legislation to operate the market is set out in the Royal Charters granted by James I and Charles II and more recently under the Markets and Fair Clauses Act 1847 and the Oswestry Markets and Fair Clauses Act 1848. The Council has also adopted the provisions of Part III of the Food Act 1984 and Section 37 of the Local Government Miscellaneous Provision 1982.

- ⑤ As the Market Authority for the Town, Oswestry Town Council is fully committed to maintaining the long-established tradition and heritage of the indoor and outdoor markets in Oswestry town centre. The Council is working closely with the Business Improvement District (BID) Project to raise the quality of the town centre retail offer, to attract new visitors, and to improve the town centre generally

- ⑥ It is, however, clear that internet shopping and other retail trends and competition has had an adverse effect on the number of market traders attending the town's Wednesday and Saturday outdoor markets on the Horsemarket and Bailey Head .

- ⑦ The Indoor Market on the Bailey Head has also been affected by the reduction of the outdoor market, and the resulting 'draw' of shoppers. One of the findings of the Mary Portas project in the town centre was that the markets (and the town centre generally) need to be revitalised. One way to achieve this is to create activity in the streets, to draw in shoppers. The Council has recently received consent from the Planning Authority to operate the market in Bailey Street.

CURRENT POLICY

(15) In order to promote the town of Oswestry and to protect local retailing, it is the Town Council's preference for street trading to be prohibited from all streets. Future activities would be operated and licenced under the Town Council's market rights.

(16) The Town Council's current policy, since powers have been delegated to it, is in line with the Shropshire Council policy of streets being designated as consent streets. However, the Town Council decided not to issue any street trading consents during 2017/2018.

(17) This policy would remain in place until it is superseded by the introduction of a new Shropshire Council policy and the Principal Authority would then retain responsibility for Street Trading.

Reason: To retain adequate weekday parking in the town and to safeguard the living conditions of nearby residents.

4. The market shall comprise solely of traditional market stalls (i.e. demountable pole structures erected on site), open table top type stalls and no more than four motorised or trailer self contained retail units of which there shall be no more than one of the lorry/articulated/rigid box van type. There shall be no fairground type facilities such as bouncy castles.

Reason: In the interests of the visual and residential amenities of the area.

Informatives

Pavement Permits are required where a business wishes to use areas of the highway for trade. In order to carry out such activities the business must apply to Shropshire Council for a pavement permit.

The permit is for businesses that uses the pavement for their trade. This includes tables and chairs for cafes and bars, as well as shelving or storage for displaying goods. If you are unsure whether you need a permit for your business, please visit the Shropshire Council webpages or contact our Customer Service Centre on 0345 678 9000.

Any business which intends to have the provision for the sale of alcohol on the pavement area needs to ensure that the pavement area is covered by their existing premises license. If this is not the case a variation of the license may be required. To access information on this subject please visit the following link and follow links to minor variations:
<http://www.shropshire.gov.uk/licences.nsf/open/E5ABE557F648BCA8025754E0057B731>

Any business selling food must ensure that they have registered as a food business. The form required can be found at the following address:

<https://new.shropshire.gov.uk/environmental-health/food-safety/food-safety-for-business/register-a-food-business/>

The completed form should be completed and returned to the Health Promotion and Prevention team, Public Protection, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND and it is recommended that it is returned prior to the food premise opening.

The applicant should ensure that the design and layout ensures that all food safety and hygiene legislation can be complied with in full.

Should permission be granted approval any users of the site must ensure that they are aware of any traffic restrictions which may be in place to protect the safety of highways users and reduce congestion.

It is requested that the Town Council consults with the Council's Conservation team with regard to the design of the proposed stalls and in relation to any proposed associated lighting and signage.

Reason: In the interests of preserving and enhancing the character and appearance of the Conservation Area.

Mandy Beever

From: Jessica Moores
Sent: 01 June 2017 17:53
To: Mandy Beever
Subject: FW: Street Trading Legislation

Jessica Moores
 Public Protection Officer - Professional
 Trading Standards & Licensing

☎ 01743 251615 | ☎ 07990 085582

✉ licensing@shropshire.gov.uk | 🌐 www.shropshire.gov.uk

📍 Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: Arren Roberts [<mailto:a.roberts@oswestry-tc.gov.uk>]
Sent: 01 June 2017 12:19
To: Jessica Moores <Jessica.Moores@Shropshire.gov.uk>
Cc: David Preston <d.preston@oswestry-tc.gov.uk>
Subject: RE: Street Trading Legislation

- ① Hi Jess, the Markets and Car Parks Committee met last night and agreed with the recommendations to:
- Prohibit street trading in the Town Centre;
 - Hand back the delegation of street trading to Shropshire Council.

The recommendations were made following the meeting that David and I had with yourself and Mandy and the feedback you gave us on the draft policy. The Town Council believes that its objectives can be achieved through its existing market rights and through the planning permission recently obtained. It also feels that Shropshire Council is better placed to deal with enforcement issues particularly as any street traders, trading in contravention of the policy would be doing so on Shropshire Council owned land.

The Town Council understands that this will require the agreement of the Strategic Licencing Committee and then public notification of the changes. We were reassured that the Town Councils recommendations would be acceptable.

- ② Just a couple of additional points that the Members made, should Shropshire Council seek to change its street trading policy in the future, a full consultation exercise and a discussion on delegation would be requested. Whilst
- ③ Street trading hasn't been a significant problem in Oswestry there are concerns about organisations such as Talk talk and Sky who collect direct debit sign ups. There is an argument that they are displaying goods for sale and should come under street trading legislation; that said we would be interested in some regulation of these organisations conduct as introduced in Shrewsbury Town Centre.

I hope this covers everything that you need, if not please get back to me.

Best wishes and thank you for your advice and guidance

Arren

From: Jessica Moores [<mailto:Jessica.Moores@Shropshire.gov.uk>]
Sent: 31 May 2017 11:39
To: Arren Roberts
Subject: RE: Street Trading Legislation

Hi Arren

Just a few points for clarification (to make sure we're absolutely clear!):

- The Town Council wish for all current consent streets in Oswestry Town Centre to be prohibited for street trading?
- Oswestry Town Council wish to hand back the delegation of Street Trading to Shropshire Council?

The above would take effect from the date the prohibition of the streets comes into force. We need to go through the process of getting agreement from Strategic Licensing Committee to prohibit the streets, and then public notification. We will notify the Town Council in writing once this has been done, and let you know the date that the streets are prohibited from, and the date from which Shropshire Council will resume authority over Street Trading in Oswestry.

If you can get back to me asap to confirm agreement with the above that would be great so we can include the changes in the committee report.

Thanks

Jess

Jessica Moores
Public Protection Officer - Professional
Trading Standards & Licensing

☎ 01743 251615 | ☎ 07990 085582

✉ licensing@shropshire.gov.uk | 🌐 www.shropshire.gov.uk

📍 Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: Arren Roberts [<mailto:a.roberts@oswestry-tc.gov.uk>]

Sent: 17 May 2017 12:45

To: Jessica Moores <Jessica.Moores@Shropshire.gov.uk>; Mandy Beever <mandy.beever@shropshire.gov.uk>

Cc: David Preston <d.preston@oswestry-tc.gov.uk>

Subject: Street Trading Legislation

Dear both, thank you for your time last week to discuss the Town Council's draft street trading policy.

As agreed, David and I have set out what the Council seeks to achieve from Street Trading Legislation and this is detailed in the attached document. We believe that what we want to achieve can be done under our Market Rights rather than Street Trading Legislation, we previously understood that Street Trading took precedent over Market Rights.

Given our discussion and your feedback it is our understanding that the Council's aspiration for street trading could be achieved within a broad Shropshire Council policy with Oswestry specific policies. If this is the case then there is no benefit in the Town Council taking on responsibility for Street Trading and that it would sit with Shropshire Council. That said, it is our understanding that Street Trading will sit with OTC until the new policy is adopted by Shropshire Council.

Could you please let me know when the strategic licencing committee is due to meet as I need to prepare a report to our Council to cover this issue off.

Arren

Arren Roberts
Assistant Town Clerk

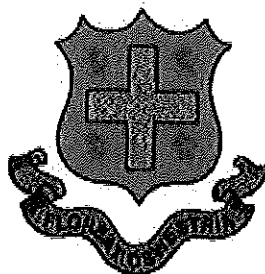
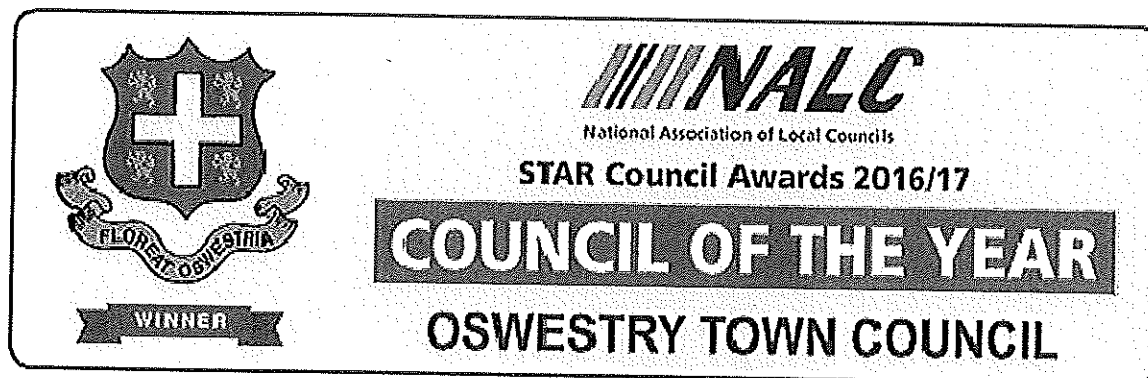
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Oswestry Town Council

The Guildhall,
Bailey Head,
Oswestry
SY11 1PZ

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Jessica Moores

From: Helen Ball-STC
Sent: 31 May 2017 13:38
To: Jessica Moores
Subject: Street Trading Policy

- I refer to the recent consultation into a countywide approach to Street Trading and the local criteria based in Shrewsbury. I am grateful to Licensing Staff for sparing the time to look at the implications of the proposed policy for Shrewsbury.
- ① On the whole the Prohibition on Street Trading in Shrewsbury works well and the areas identified as consent streets allow for events/activities to take place. These should be continued. We have identified a number of other locations that may need to be added to the list of Consent Streets where street trading activity already occurs; these include:
 - The entrance to Porthill Bridge off Porthill – Shropshire Horticultural Society place a ticket booth for the sale of Flower Show Tickets
 - The area adjacent to the disabled ramp in Frankwell Carpark – traditionally places a tea/coffee van is sited there for use by those wishing to access transport from the carpark to the Quarry Park on Flower Show Days. We are to understand this is an arrangement between the vendor and Zoe Mortimer in Highways
 - ③ The Town Council has also been in discussions with both the Churches Conservation Trust and the St Chads PCC regarding the possible use of the St Mary's Closed Church Yard as a possible venue for events and activities. The Town Council is happy that those areas identified as Consent Streets are amended to Licensed Street to allow for greater control on street trading activity than were they to remain as Consent Streets.
 - ④ However in looking at this in more detail there are a number of areas where activities take place as part of bigger events in which those activities may be interpreted as Street Trading; an example of this would be the mini fairground rides along Shoplatch as part of the Christmas Lights Switch on.
 - ⑤ The Town Council would welcome some additions to the Policy which would allow for greater co-ordination with other regulations. We already have a Premises Licence (PN/SC1043) for many of the streets within the Town Centre which allows for the provision of entertainment to facilitate community events; these include:
 - Pride Hill
 - High Street (between Pride Hill & Milk Street)
 - St Chads Closed Church Yard
 - Old St Chads Church Yard
 - Butcher Row
 - St Alkmunds
 - Library Gardens
 - Periphery of Rowleys House
 - Paved Area of Hills Lane
 - Shoplatch Including Mardol Head
 - ⑥ Could there be some reference to consents to street trading in those locations where there is a reliance on the use of the Town Centre Premises Licence for entertainment, whereby street trading is incidental to another planned activity.

Regards

Helen Ball BA (Hons) FILCM
 Town Clerk

Shrewsbury Town Council

Riggs Hall

Castle Gates


The Library


Shrewsbury

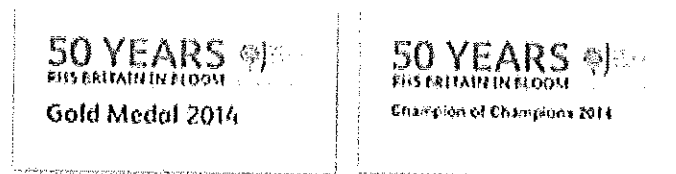
SY1 2AS

Tel: 01743 257650

Web: www.shrewsburytowncouncil.gov.uk

 www.facebook.com/shrewsburytowncouncil

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Our ref: SHARE/ 50913295
Your ref:

The Licensing Team
Shropshire Council
Via Email: licensing@shropshire.gov.uk

Patrick Thomas
Asset Manager
Operations Directorate

The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

Direct Line: 0300 470 3407

02 June 2017

Dear Sir / Madam,

STREET TRADING POLICY 2017-2022

- ① Thank you for forwarding me details of the above referenced consultation. Highways England is responsible for the operation and maintenance of the strategic road network (SRN) in England. The network includes all major motorways and trunk roads. The SRN in Shropshire includes the M54 motorway and A5, A49, A458 and A483 trunk roads.
- ② We have reviewed the proposed Street Trading Policy and are generally in support of the proposals. We have included a number of comments, which we feel clarify Highways England's role, particularly when potential trading sites are located on or near to the SRN. Highways England's priority will always be to ensure the safe and effective operation of the SRN.

The table below contains a summary of our main comments in respect of the consultation.

Paragraph/Item	Comment
③ Paragraph. 2.19	Details should be added to clarify that Highways England will be consulted in all cases where an application is being made on or adjacent to the strategic road network, or where a proposal has the potential to impact on the strategic road network.
④ Appendix 1	It would be beneficial to Highways England if the blanket protection of A and B class roads was extended across the county to provide a consistent approach to licencing and enforcement.
⑤ Appendix 4, item 1.2	Reference should be added to require Highways England's views to be sought when an application is made for trading on or adjacent to the strategic road network.
⑥ Appendix 8	References to 'the Highways Agency' or 'the Highways England' should be amended to read 'the Highway Authority for the Strategic Road Network'.

⑦ N/A	Where lay-bys meet the appropriate standards, as required by DMRB TD 69/07 (6/3 Part 3) The Location and Layout of Lay-Bys and Rest Areas and SP 04/16 Trading from Lay-Bys, it may be appropriate for them to be designated as Licensed Streets. This may give more certainty to prospective businesses, who in turn are more likely to invest in higher-quality facilities and help to look after their trading location.
-------	---

- ⑧ In conclusion, for the avoidance of any doubt, the entire SRN in Shropshire should be designated as 'consent streets'. This is to safeguard against any potential detrimental impacts on the SRN.
- ⑨ Highways England should also be consulted on all license applications which could impact on the SRN and their recommendation should be applied in all cases.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely



Patrick Thomas
OD Midlands
Email: Patrick.Thomas@highwaysengland.co.uk

Mandy Beever

From: Graham Downes
Sent: 21 July 2017 13:04
To: Mandy Beever
Cc: Ian Walshaw; Victoria Doran; Chris Fisher; Andrew Keyland
Subject: RE: Street Trading
Attachments: A458 Morville Cafe.pdf; A464 Priorslee Road Cafe.pdf; A41 Pickmere to Tong - Cafe.pdf; A41 Tong.pdf; A41 Cosford - Cafe.pdf; A41 Pickmere (a) - Cafe.pdf; A41 Pickmere (b) - cafe.pdf; A41 Tong Havannah - Cafe.pdf; A442 Sutton Maddock - cafe.pdf; A49 cafe.pdf; A 528 Ellesmere Road, Shrewsbury.pdf; A488 Lea Cross.pdf; Battlefield Way, Shrewsbury.pdf; A458 Cressage.pdf; Wolfshead.pdf; A458 Weeping Cross Island.pdf; A49 Shrewsbury, south of Battlefield Island.pdf; A49 Shrewsbury, north of Preston Island.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mandy,

- ① I refer to our recent meeting and email correspondence below.
- ② I am providing a response for the group of highway managers across the five different areas of Shropshire.
- ③ Attached to this email are a number of site plans which show know locations of roadside snack bars / cafés for 3 of the 5 areas. I have copied all managers into the reply and will leave the responsibility of providing additional plans to them and they will forward them onto you directly.

In response to the questions posed below I would answer as follows :

- ④ • No further comments about the streets listed in the policy.
- ⑤ • No additional streets to be adopted as licensed / consented streets.
- ⑥ • No amendments or alterations to the application process.
- ⑦ • No additional conditions to be added to license or application process.
- ⑧ • Estimated time charged for inspections should be 2 hrs per divisional area per month, therefore a rate of £25.00 per hour should be applied. The inspections can be undertaken as part of the highway technicians monthly driven safety inspections which are undertaken by two staff members. Anticipated Countywide annual fee would be £3.0k.
- ⑨ • Plans of a number of locations Countywide where layby's are occupied by street traders.

If there are any issues or require further assistance please do not hesitate to contact me.

Regards

Graham

From: Mandy Beever

Sent: 19 June 2017 16:03

To: Victoria Doran <victoria.doran@shropshire.gov.uk>; Chris Fisher <chris.fisher@shropshire.gov.uk>; Andrew Keyland <andrew.keyland@shropshire.gov.uk>; Ian Walshaw <ian.walshaw@shropshire.gov.uk>; Graham Downes

<graham.downes@shropshire.gov.uk>; Gary Parton <gary.parton@shropshire.gov.uk>

Cc: Jessica Moores <Jessica.Moores@Shropshire.gov.uk>; Frances Darling <frances.darling@shropshire.gov.uk>

Subject: Street Trading

Good afternoon.

Thank you for a very positive meeting this afternoon.

I have attached the proposed policy document (pending any amendments you require) this document is due to be put before the Strategic Licensing Committee in September of this year.

In principle you have suggested that under this policy you would like all of the A and B Roads across the administrative area of Shropshire Council to be included as a Licence/Consent Street under this policy. In order for this to be done you have agreed to provide some additional information, this is as follows;

1. Any comments you have in regard to the streets currently listed in the policy (Page 30 to 41).
2. Any additional streets you would like adopting as a licenced/consent street (Page 16 to 18).
3. Any amendments you would like to see to the application process for a Street Trading Licence.
4. Are there any additional conditions you would like to attach to the licence (Page 56 onwards).
5. Percentage of Officer time per year apportioned to checking Laybys where Street Trading is being undertaken and the grade of those officers.
6. A list of traders currently trading from the laybys in your geographical areas.

I require this information and any comments you have by no later than Friday 21st July 2017.

I will make the necessary enquiries in regard to Non Domestic Rates and let you know the outcome.

If you have any queries and I am not around please contact Jessica Moores on extension 1615 or email Licensing@shropshire.gov.uk

For those of you who were unable to attend the meeting I am happy for you to contact me to discuss this further.

Kind regards

Mandy

Mandy Beever
Transactional and Licensing Manager
Public Protection
Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

Tel: 01743 251702

Mobile: 07990 085378

Email: mandy.beever@shropshire.gov.uk

Web: www.shropshire.gov.uk



Public Protection on facebook

Mandy Beever

From: Mandy Beever
Sent: 28 July 2017 11:16
To: Graham Downes
Cc: Ian Walshaw; Victoria Doran; Chris Fisher; Andrew Keyland; Jessica Moores
Subject: RE: Street Trading

Hi Graham,

Thank you for your email and the attached maps they are really helpful.

In your email you have stated that 'no additional streets need adopting as licenced/consent streets', I would like to confirm that if you want all of the roads that the Shropshire Council Highways Service are responsible for to be included (as per our discussion at the meeting of 19th June 2017) then they would be subject to adoption as either consent or licenced streets. This process would be undertaken by the Licensing Service so no additional work would need to be undertaken by yourselves. Please can you confirm that this is something that you would still like Licensing to proceed with?

In addition, the Licensing Service need to undertake a consultation exercise with the existing traders before we take the report back to the Committee therefore, would it be possible for you to send me the outstanding maps for existing businesses in the other areas of the county by no later than Friday 4th August 2017. (We are hoping to consult with the traders for 3 weeks commencing Monday 7th August 2017).

It would be helpful if you hold any names and home addresses for the traders that this information be forwarded at the same time otherwise I will need to send an officer to each of the sites to hand deliver a letter.

If you would like to discuss this further please give me a call.

Kind regards

Mandy

Mandy Beever
 Transactional and Licensing Manager
 Public Protection
 Shropshire Council
 Shirehall
 Abbey Foregate
 Shrewsbury
 Shropshire
 SY2 6ND

Tel: 01743 251702
 Mobile: 07990 085378
 Email: mandy.beever@shropshire.gov.uk
 Web: www.shropshire.gov.uk



Public Protection on facebook

From: Ian Walshaw

Sent: 04 August 2017 11:10

To: Mandy Beever <mandy.beever@shropshire.gov.uk>

Cc: Andrew Keyland <andrew.keyland@shropshire.gov.uk>; Chris Fisher <chris.fisher@shropshire.gov.uk>; Graham Downes <graham.downes@shropshire.gov.uk>; Victoria Doran <victoria.doran@shropshire.gov.uk>

Subject: RE: Street Trading

Mandy,

My understanding was that we would include all A and B class roads as licenced/consent streets along with any other that are currently covered. I have 2 locations where snack bars are operating from that are not on either an A or B class road and these locations should be included.

Regards,

Ian

Mandy Beever

From: Ian Walshaw
Sent: 08 September 2017 12:49
To: Mandy Beever
Subject: RE: Street Trading
Attachments: Battlefield Way, Shrewsbury.pdf; Wolfshead.pdf

Mandy,

The snack bars that are trading from the minor road network are at Battlefield Way, Shrewsbury and the old A5 at Nesscliffe at the locations shown on the attached maps.

Regards,

Ian

Ian Walshaw
 Highways Manager
 Environmental Maintenance
 107 Longden Road
 Shrewsbury
 SY3 9EL

Tel. 01743 254903
 Mob. 07990 085299

www.shropshire.gov.uk

From: Mandy Beever
Sent: 08 September 2017 10:54
To: Ian Walshaw <ian.walshaw@shropshire.gov.uk>
Subject: RE: Street Trading

Hi Ian,

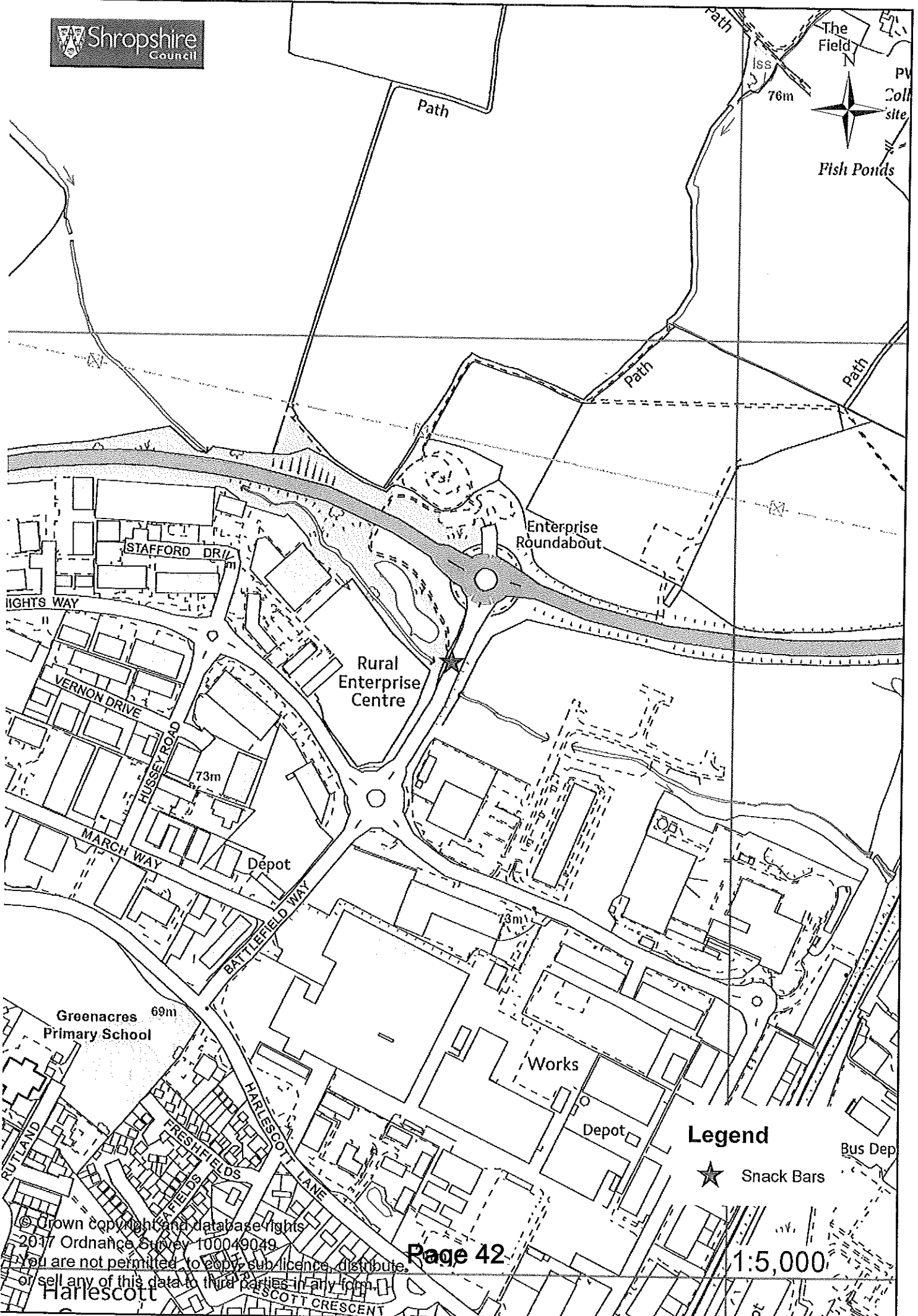
Further to the email below please can you confirm the location of the snack bars which are operating from areas that are not A or B class roads?

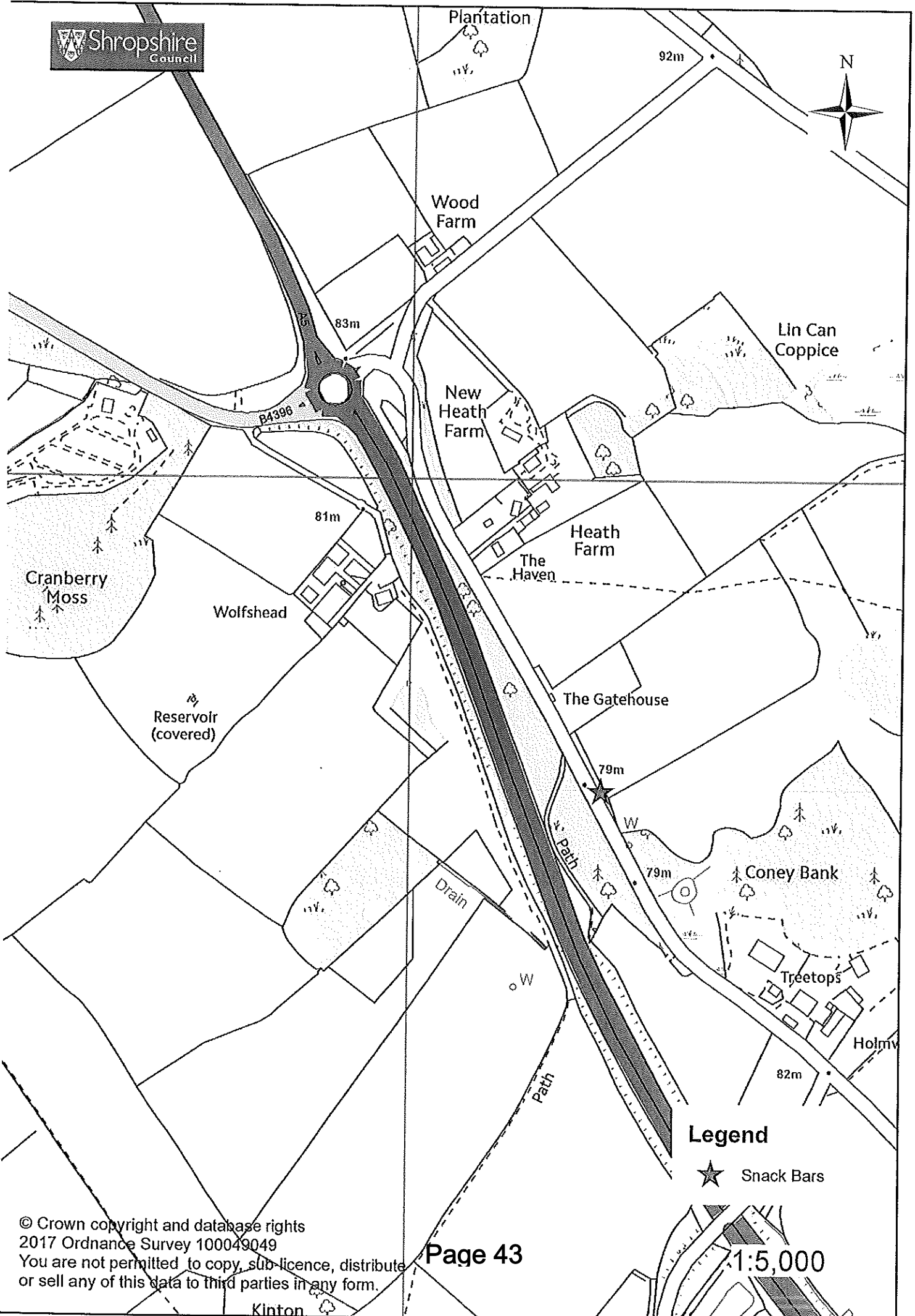
We require this information for the adoption process.

Kind regards

Mandy

Mandy Beever
 Transactional and Licensing Manager
 Public Protection
 Shropshire Council
 Shirehall
 Abbey Foregate
 Shrewsbury
 Shropshire
 SY2 6ND





Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

IMPORTANT

The Owner/Occupier

Date:
My ref:
Your ref:

Dear Sir/Madam

We are writing to you as a Street Trader within the Shropshire Council administrative area to inform you of changes to Shropshire Council's Street Trading Policy which may affect you.

On 1st April 2009 Shropshire Council took on the street trading provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The purpose of these provisions is to ensure that Councils can properly regulate those who sell without the use of an ordinary business premises.

The provisions are local in nature and within the Shropshire Council boundary there are some streets and areas which have been designated as Consent Streets, Prohibited Streets and Licensed Streets with regard to street trading activities, and others which haven't.

- A 'Consent Street' means a street in which trading is prohibited without the consent of the council.
- A 'Licenced Street' means a street in which trading is prohibited without a licence from the council.
- A 'Prohibited Street' means it is illegal to trade in this street.

The former South Shropshire District Council, North Shropshire District Council, Oswestry Borough Council and Shrewsbury & Atcham Borough Council adopted the provisions. They were not adopted by Bridgnorth Borough Council.

On 25th January 2017 the Strategic Licensing Committee resolved to adopt Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 across the entire administrative area of Shropshire Council, to include Bridgnorth.

Following the adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Shropshire Council Licensing developed and consulted on a new draft policy for Street Trading. In response to this consultation both Highways England and Shropshire

Council Highways Department responded that they felt it would be preferable for all the A and B Roads (including their laybys) across the administrative area of Shropshire Council to be adopted as a Licence/Consent Streets under the new policy.

The fundamental purpose of the Policy, and the inclusion of all A and B roads, is to create a street trading environment which complements premises based trading, is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire.

Whilst recognising the important contribution that street trading brings to supporting local businesses and the growth and prosperity of Shropshire's economy, another key purpose of the policy is also to reduce any potential harm or exploitation which could occur through street trading.

It is important that you are aware of these changes as they may affect you. It will mean that whilst the only permission you currently require to trade is from Shropshire Council Highways, under the new policy you will have to make an annual application to Shropshire Council Licensing Team to obtain a Street Trading Consent/Licence. There will be a fee associated with this application.

If you would like to view a copy of the draft Street Trading Policy and the associated committee report you can visit: <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3406&Ver=4>.

If you have any have any questions, would like any further information or have any comments to make please contact the Licensing Team using the below details by Friday 25th August 2017.

Yours faithfully

Licensing Team
Trading Standards & Licensing
0345 678 9026
licensing@shropshire.gov.uk

From: [REDACTED]
 Sent: 18/08/2017 10:16:32
 To: Licensing </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53A048730875443DBCC19AB764FAF0BB-LICENSING>
 Subject: Re: [CAUTION] Layby Bully van of A518

Hi,

①

Both my husband and I are very distressed about what we have learnt in relation to the street licencing. We have read the sections that have been identified to us but still feel we don't truly understand and would like the terminology explained in layman's terms please.

Can you please let us know or in return email any forms that need to be completed in relation to street licencing and also who to contact in the Highways department to gain permission to trade.

We would also like to make an official heartfelt appeal as to necessary criteria needed in order to carry on with our small never caused any trouble business.

Many thanks for your ongoing support.

[REDACTED]

On Tuesday, 15 August 2017, 9:36, Licensing <licensing@shropshire.gov.uk> wrote:

②

Dear [REDACTED]

Thank you for your email.

Highways England and Shropshire Council Highways have not requested that any of the A and B roads in Shropshire become prohibited for street trading, only that they become either license or consent streets.

The main change affecting you therefore will be that you may need to apply for a licence from Shropshire Council Licensing, as well as gaining the permission of Highways to trade. These are 12 month licenses which you would need to renew each year, and they do carry a fee. Please follow the below link and see items 18 and 19 for further details.

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?Ck=166&Id=3406&Ver=4>

If you would like to comment on the proposed changes please do so in writing to this email address or the address on the letter before the 25th August. If you have any questions please do not hesitate to contact us.

Kind regards

Jessica Moores
 Public Protection Officer - Professional
 Trading Standards Licensing

- 0345 678 9026
- licensing@shropshire.gov.uk <<mailto:licensing@shropshire.gov.uk>> | • www.shropshire.gov.uk <<http://www.shropshire.gov.uk>>
- Shropshire Council | Shirehall | Abbey Foregate | Shrewsbury | Shropshire | SY2 6ND

From: [REDACTED]
 Sent: 14 August 2017 15:34
 To: Licensing <licensing@shropshire.gov.uk>
 Subject: [CAUTION] Layby Bully van of A518

** CAUTION

** It has not been possible to verify the sender of this e-mail as the sender's

** e-mail domain does not have an SPF record. This means the sender's

** e-mail address may be spoofed and used for SPAM or Malware distribution.

** Treat the e-mail with caution, and if in doubt contact the sender.

** If you need further help please email its.helpdesk@shropshire.gov.uk <its.helpdesk@shropshire.gov.uk>

Licensing Team
Trading Standards & Licensing
licensing@shropshire.gov.uk

[REDACTED]
A468 layby
Between Bridgnorth & Morville

Sirs,

Re : Draft street trading policy.

- ① As a self employed small business holder, I must object to the proposals for street trading.
- ② As with most policy's there are good and bad ideas contained within said policy. The proposal that there may be a small fee associated with the application and issue of a street trading license is not a problem, I already have my Bridgnorth issued one and can see there are costs involved with the issue of said license.
- ③ What I do object to in the strongest terms is having to apparently pay £4.00 per day to trade in advance. If this is correct, I would have to pay almost £1250 before I have earned a penny. If you are a market stall holder on a Saturday on Bridgnorth High Street £4.00 wouldn't be that much of a hardship, but I normally work 6 days a week 8.00 am to 1.30/2.00 pm. You can, I am sure see my problem. I have worked hard on my layby to build up my customer base, but I never know what my takings will be. I have spoken to my local customers and all are outraged at the idea of a daily fee. My van has become a bit of a social hub for locals and farmers where they pass on information to each other, so I also feel that I am contributing to the wellbeing of the local area.
- ④ What would the fee be used for? As it stands at the moment I keep my part of the layby clean and tidy, I leave no waste and even have the hedges trimmed to stop them overhanging my area. There are no street lights, there are no facilities except those which I supply. I can't help but think my situation is not covered or allowed for by the street trading policy, as it seems to be aimed more for occasional, town based trading, unlike my solitary Van on a layby.

Yours sincerely,

[REDACTED]



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Existing Consent Streets	Proposed Consent Streets
Shrewsbury: <ul style="list-style-type: none"> • The Square • St Chad's Terrace – outside the main entrance gate to the Quarry • Priory Road – the western end close to the children's playground 	None
Ludlow: <ul style="list-style-type: none"> • Bull Ring • Broad Street (from Buttercross to Lloyds Bank) • Castle Street • Castle Square (excluding Market Square) • Upper Dinham • Harp Lane • Church Street • High Street • Market Street • King Street • Tower Street 	None Under provisions of the Local Government Act 1972, on the 9 December 2010 the Council delegated to Ludlow Town Council all of its powers emanating from Section 3 and Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 in respect of Street Trading. Ludlow Town Council is therefore responsible for the administration and enforcement of Street Trading in the Ludlow Town Council area.
Wem: <ul style="list-style-type: none"> • Crown Street • High Street • Noble Street • Aston Street • Market Street • Mill Street • New Street • Chapel Street • Leek Street 	None
Ellesmere: <ul style="list-style-type: none"> • Church Street • Talbot Street • Watergate Street • Trimpley Street • High Street • Wharf Road • Cross Street • Birch Road • Scotland Street • Brownlow Road • Victoria Street • Pinfold Lane • Sparbridge 	None

<ul style="list-style-type: none"> • Mereside • Willow Street. 	
Market Drayton: <ul style="list-style-type: none"> • High Street • Queen Street • Cross Street • Cheshire Street • Towers Lawn • Frogmore Road • Shropshire Street • Stafford Street • Great Hales Street. 	None
Whitchurch: <ul style="list-style-type: none"> • High Street • Watergate Street • Bull Ring • Mill Street • Green End • Brownlow Street and car park 	None
Oswestry: <ul style="list-style-type: none"> • Park and lay-by adjacent to Offas Dyke on the B4579 at Cragnant. • The lay-by and access road running parallel with the B5070 adjacent to Tradfield House, Nefod Lane and the Glerid roundabout on the A5. • All areas of land, including designated car parks forming part of the North and South commons at the Old Oswestry Racecourse, off the B4580. • The lay-by and access road running parallel with the A495 between the Green, The Elms and its junction with Drenwydd. • The area known as The Cliffe within the Borough of Oswestry at Ruyton-X1- Towns. • The two lay-bys on the North and South sides respectively of the B4396 between its junction with the B4397 and Knockin Hall. • The whole of the lay-by on the Crew Green to Meverley road 	None

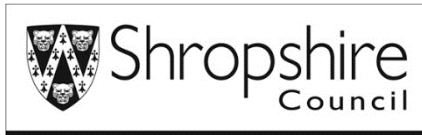
<p>immediately to the north-east of the River Severn crossing.</p> <ul style="list-style-type: none"> • The following roads and streets within the borough of Oswestry:- All A and B class roads (including trunk roads). • All streets within the specified area of the Town of Oswestry. • The area within 100 metres of a school premises is a consent street. 	
Existing Prohibited Streets	Proposed Prohibited Streets
<p>Shrewsbury: Street trading is prohibited in all streets (save for those referred to in Shrewsbury Consent Streets listed above) within the boundary of the Conservation Area which is primarily the town centre and immediate surroundings</p>	<p>Street trading is prohibited in all streets (save for those referred to in Shrewsbury Licence Streets listed below or the areas shown on the map where consent does not have an effect) within the boundary of the Conservation Area which is primarily the town centre and immediate surroundings</p>
<p>Oswestry: None</p>	<p>All streets within the specified area of the Town of Oswestry (see map).</p>
<p>Ellesmere: None</p>	<ul style="list-style-type: none"> • Church Hill • Love Lane (see map)
Existing Licence Streets	Proposed Licence Streets
<p>Shrewsbury: None</p>	<ul style="list-style-type: none"> • The Square • St Chad's Terrace – outside the main entrance gate to the Quarry • Priory Road – the western end close to the children's playground • Entrance to Porthill Bridge off Porthill • Area adjacent to the Footbridge Access Ramp on the Frankwell Carpark • St Mary's Closed Church Yard <p>Street Trading is only permitted in the streets listed below where the Street Trading forms an incidental part of planned entertainment/activity licenced under Shrewsbury Town Council's Premises Licence (PN/SC1043)</p> <ul style="list-style-type: none"> • Pride Hill • High Street (between Pride Hill and Milk Street)

	<ul style="list-style-type: none"> • St Chad's Closed Church Yard • Old St Chads Church Yard • Butcher Row • St Alkmunds Closed Church Yard • Shrewsbury Library Gardens • Periphery of Rowleys House • Paved Area adjacent to Hills Lane • Shoplatch • Paved area between Shoplatch and Mardol Head (where the Darwin Gate modern art is situated)
Wem: None	<ul style="list-style-type: none"> • Crown Street • High Street • Noble Street • Aston Street • Market Street • Mill Street • New Street • Chapel Street • Leek Street
Ellesmere: None	<ul style="list-style-type: none"> • Church Street • Talbot Street • Watergate Street • Trimpey Street • High Street • Wharf Road • Cross Street • Birch Road • Scotland Street • Brownlow Road • Victoria Street • Pinfold Lane • Sparbridge • Mereside • Willow Street.
Market Drayton: None	<ul style="list-style-type: none"> • High Street • Queen Street • Cross Street • Cheshire Street • Towers Lawn • Frogmore Road • Shropshire Street

	<ul style="list-style-type: none"> • Stafford Street • Great Hales Street.
Whitchurch: None	<ul style="list-style-type: none"> • High Street • Watergate Street • Bull Ring • Mill Street • Green End • Brownlow Street and car park
Proposed roads and lay-bys to be adopted as Licence Streets (unless otherwise specified in the above lists)	
Existing Licence Streets	Proposed Licence Streets
None	<p>All roads and attached lay-bys covered by the Highways England, including:</p> <p>M54 A5 A49 A458 A483 trunk roads</p>
None	<p>All A and B roads and attached lay-bys coming under the administration of Shropshire Council Highways and Transport Service</p>
None	<p>Lay-by near to the Wolfshead Roundabout on the old A5 at Nesscliffe and all of Battlefield Way, Shrewsbury.</p>

As a consequence of the consultation any and all streets in Shropshire, as defined in section 329 of the Highways Act 1980, will become Licence Streets with the exception of any street/area specifically listed as Prohibited in the above lists.

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Committee and Date

Strategic Licensing
Committee

4 October 2017

Item

6

Public

EXERCISE OF DELEGATED POWERS

Responsible Officer Mandy Beever, Transactional and Licensing - Team Manager
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or with regard to general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle and operator licences.
- 1.3 This report gives details of the licences issued, variations that have been made and the enforcement action undertaken between 27 May 2017 and the 15 September 2017 and a summary of applications considered by committee.

2. Recommendations

- 2.1 That members note the position as set out in the report.

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Members information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

4. Financial Implications

- 4.1 There are no financial implications associated with this report.

5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:

- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
 - b) The application has met the Council's policy criteria for accepting an application.
 - c) There are vehicle applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - d) There are driver's applications for new or renewal licences and refusal, suspension or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
 - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2015 to 2019 is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of the 27 May 2017 and the 15 September 2017. During this period the total number of licences processed was 1671.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 27 May 2017 and the 15 September 2017.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 The Private Hire Vehicle and Hackney Carriage checks undertaken between the 27 May 2017 and the 15 September 2017, results are provided in Appendix D.
- 5.7 Following the decision at the Strategic Licensing Committee on 18th March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

5.8 The number of licences and actions determined by this process is as follows:-

Driver	Granted	Granted and/or Warning Letter, Suspension	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New	1		1	6		
Renew			3		3	
Conduct	1	15	13		6	
Vehicle	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New				1		
Renewal						
Condition						
Operator	Granted	Granted and/or Warning Letter	Letter Council is 'Minded to refuse' or 'Revoke'	Refuse to Grant	Revoke	To refer to Committee
New						
Renewal						
Conduct			1			

6. Conclusion

6.1 During the last three months the workload for the Licensing team continued to be high and the team have been working hard to maintain the flow of applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Robert Macey Portfolio Holder for the Trading Standards and Licensing Service.

Local Member

Cover all areas of Shropshire

Appendices:

A – Licences issued between 27 May 2017 and the 15 September 2017.

B – Number of hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 27 May 2017 and the 15 September 2017.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 27 May 2017 and the 15 September 2017.

D – Private Hire Vehicle and Hackney Carriage checks undertaken between the 27 May 2017 and the 15 September 2017.

APPENDIX A

Licences issued – 27 May 2017 to the 15 September 2017.

General Licensing	Total
Acupuncture Personal	0
Acupuncture Premises	1
Animal Boarding	18
Animal Breeding	4
Caravan Sites	8
Cosmetic Piercing Personal	8
Cosmetic Piercing Premises	8
House to House Collection	27
Pet Shops	2
Riding Establishments	4
Scrap Metal Site	1
Scrap Metal Collector	1
Sex Establishment Licence	0
Street Collection	25
Street Trading Consent	0
Tattooing Personal	0
Tattooing Premises	0
Electrolysis	0
Dangerous Wild Animals	0
Zoo	0
Performing Animals	0
Distribution of Free Printed Matter	5
Total Applications General	112

Taxi Licensing (Surrendered)	Total
Private Hire Vehicles	20
Hackney Carriages	9
Total Surrendered Vehicles	29

Taxi Licensing		Total
Hackney Carriage	N	11
Hackney Carriage	R	38
Joint HC/PH Driver	N	26
Joint HC/PH Driver	R	56
Private Hire Operator	N	5
Private Hire Operator	R	4
Private Hire Vehicle	N	54
Private Hire Vehicle	R	217
Hackney Vehicle Transfer		7
Private Hire Vehicle Transfer		37
Private Hire Licensee Transfer		0
Trailer Licence		0
Total Taxi Applications		455

Licensing Act 2003	Total
Club Certificate with alcohol	2
Personal Alcohol	102
Premises Licence	31
Temp Event Notice no Alcohol	0
Temp Event Notice with Alcohol	500
Minor Variation Application	7
DPS Change/Variation	88
Transfer Application	30
Annual Fee	240
Notification of Interest	2
Premises Lic with Alcohol - Full Variation	5
Premises Lic without Alcohol - Full Variation	0
Total Lic Act Applications General	1007

Gambling Act 2005	Total
Bingo Premise Licence	0
Betting Premise Licence	0
Licensed Premise Gaming Machine Permit	1
Notification of Intent to have gaming machines	10
Club Machine Permits	0
Occasional Use Licence	1
Adult Gaming Centre	0
Small Society Lotteries	26
Change of Promoter	0
Annual Fee	58
Family Entertainment gaming machine permit	1
Total Gambling Act 2005 Applications	97

Total Applications	1671
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Total Surrendered Vehicles	29
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APPENDIX B

Licensing and Safety Sub-Committee Meetings from 27 May 2017 to the 15 September 2017.

Date of Meeting	Scheduled/ Additional	Item	Meeting Venue	Decisions
None				

APPENDIX C**Licensing Act Sub-Committees.****Hearings held for licensed premises from 27 May 2017 to the 15 September 2017.**

Date	Premises	Type of Application	Councillors	Decision	Review Requested by
05/06/17	The Claremont, 5-6 Claremont St, Shrewsbury	New	Vivienne Parry Dean Carroll and Simon Jones	Granted	N/A
05/06/17		Variation	Keith Roberts Vivienne Parry and Dean Carroll	Granted	N/A
15/06/17	The Cornhouse, Wyle Cop, Shrewsbury	Variation	Peter Adams, Dean Carroll and Paul Milner	Granted with an additional condition for the applicant to provide contact details of two members of staff to residents	N/A
28/06/17	News Shop Express, Shrewsbury	Review	Simon Jones, Kevin Pardy and Keith Roberts	Licence revoked	Trading Standards
10/07/17	Orchard Cafe, 11 Belmont, Shrewsbury	New	Peter Adams, Simon Jones and Paul Milner	Granted with an additional condition that alcohol purchased from the premises by 18:00 hours must be consumed by 18:30 hours	N/A
13/09/17	The Warehouse, 5 -6 Claremont Street, Shrewsbury	Variation	Peter Adams, Roy Aldcroft and Simon Jones	Granted (Amended by the applicant at the meeting)	N/A

APPENDIX D**Private Hire Vehicle and Hackney Carriage checks undertaken between the 27 May 2017 and the 15 September 2017.**

Inspection Date	Total Number of Vehicles Inspected	Advisory Note	No Action Required
30/05/17	21	0	21
17/06/17	3	0	3
18/06/17	1	0	1
28/06/17	1	1	0
04/07/17	13	5	8
07/07/17	5	3	2
22/07/17	2	1	1
04/08/17	3	1	2
10/08/17	1	1	0
26/08/17	4	0	4
04/09/2017	11	0	11
05/09/2017	25	0	25
06/09/2017	6	0	6
Total	96	12	84

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 5 June 2017

9.30 am - 12.38 pm in the Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors Dean Carroll, Simon Jones, Vivienne Parry and Keith Roberts (present for Item 4)

1 Election of Chairman

RESOLVED:

That Councillor Dean Carroll be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

2 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

3 Application for a Premises Licence - The Claremont, 5-6 Claremont St, Shrewsbury

Consideration was given to an application for a Premises Licence in respect of The Claremont 5 – 6, Claremont Street, Shrewsbury, Shropshire, SY1 1QG.

Mr Simon Rodenhurst (Director of Wisetrace Holdings Ltd – Applicant), Ms Rebecca Ingram (Solicitor acting on behalf of the applicant), Mr Andrew Bannerman (Objector), Jessica Moores (Public Protection Officer – Professional) and Louise Prince (Shropshire Council Solicitor) were present.

Ms Ingram requested permission to circulate a witness statement from the applicant. The Sub-Committee agreed and adjourned at 9.34 a.m. to allow time for all parties present to read the statement and supporting information. The Sub-Committee reconvened at 9.41 a.m.

On behalf of the applicant, Ms Ingram addressed the Sub-Committee in relation to the application. She stated that the premises was located within a predominately commercial area of Shrewsbury, however it was noted that there were residents in the vicinity of the premises and the applicant recognised the importance of ensuring residents were not adversely affected. The applicants Solicitor outlined the steps that the applicant would take to ensure that residents were not subjected to noise nuisance.

In response to questions from the Public Protection Officer (Professional), Objector and Members of the Sub-Committee the applicant's solicitor confirmed:

- The premises would be open until 00:30 hours Monday to Sunday with supply of alcohol ending at 00:00 hours to allow for 30 minutes drinking up time and gradual dispersal of customers;
- Only one floor of the premises was the subject of the application;
- Clarified that patron noise included music and customers voices;
- Outlined the vision for the premises, the target market being over 25's, with a strong food element;
- The capacity of the premises would be determined by a fire risk assessment which was ongoing and would be completed when the premises had been fitted out and submitted to Environmental Health for approval; and
- A table booking system would be in operation, which would ensure that customers were staggered throughout the evening and door staff would be employed to assist with a gradual dispersal of customers.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that two relevant representations had been received during the statutory consultation period. She noted that a representation from Shropshire Council's Public Protection, Noise Pollution Team had been received, however the applicant had agreed to additional conditions being added to the licence if the application were successful, and therefore the Noise Pollution Team had withdrawn their representation.

The Chairman invited the objector to present his case. Mr Bannerman addressed the Sub-Committee outlining the history and growth of the night time economy in Shrewsbury. Mr Bannerman explained that his main concerns and those shared by Shrewsbury Town Council were contiguity with local residents.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 10.39 a.m. and reconvened at 10.47 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for The Claremont, 5-6 Claremont Street, Shrewsbury, Shropshire, SY1 1QG be granted for the following days, hours and licensable activity:

Recorded Music (Indoors)

Monday to Sunday - 10:00 to 00:00

Supply of Alcohol (On premises)

Monday to Sunday - 10:00 to 00:00

Opening Hours

Monday to Sunday - 09:00 to 00.30

And in accordance with the following operating schedule

General – all four licensing objectives

Ensure that communication is sustained between all members of staff involved in the running of the business to meet the standards set out below

Prevention of Crime and Disorder

1] There will be 2 SIA door staff on duty on the entrance door to the premises and 1 per 100 ratio of SIA staff to customers in the premises from 21:00hrs till close of business on Fridays and Saturdays and Sundays preceding a bank holiday Monday. All other times as risk assessed by the management team for the location.

2] In regard to CCTV at the premises we will require camera coverage of the areas open to the public and all points of entry and exit from the premises to include stairways. CCTV retained for a minimum of 30 day and in colour and of a digital format.

3] Production of any requested CCTV in a viewable format to the police/ licensing authority and any agency that has the right to make such a request.

4] There shall always be on site in operational hours a member of staff who is trained in the operation of the venue CCTV and who is able to download requested CCTV footage to requesting authority.

Public Safety

1] These matters will be detailed by the fire safety review

Prevention of Public Nuisance

1] Notices to be displayed on exit points from the premises encouraging customers to leave the premises quietly and respect the right of local residents.

2] Doors and windows at the premises should remain closed during periods of amplified music at the location.

3] A noise management policy should be in place as agreed with Shropshire Council to prevent disruption to local residential properties.

4] Acoustic proofing of the building will be required due to the close proximity of residential properties to the premises.

Protection of Children from Harm

1] No under 18s on the premises after 23.30hrs to close.

2] Challenge 25 Policy applied. Signage at points of alcohol sale and entrance point to the premises.

3] Proof of id being passport, photo card driving licence, Government approved PASS photo ID card or HM Forces ID card.

4] Challenge log kept and available to responsible authorities upon request.

5] Induction training sessions will be held to train all new staff on the challenge 25 procedures and briefings to only accept full Passport, Driving License or PASS approved proof of age card or HM Forces ID card as proof of age. This will be followed by regular monthly staff review meetings on the challenge 25 procedures - and reinforcing certain aspects and any new legislation. A documentary record will be kept of all staff training (including refresher training).

6] A visual prompt reminding employees to use the Challenge 25 policy will be displayed in close proximity to the point of sale, and throughout the premises to remind waiting staff (who may not use the point of sale) and customers alike that the policy is operated.

7] Children under the age of 14 will not be permitted on the premises after 22:00hrs.

And the following additional conditions as recommended by Shropshire Council's Public Protection Noise Pollution Team:

- The licence is granted for on sales only
- Doors and windows to the premises shall be kept shut after 2300hrs except for access and egress.
- No deliveries or collections relating to licensable activities at the premises will take place between the hours of 07:00-19:00 Monday to Saturday, and at no time on Sundays and Bank holidays.
- A Noise Management Plan shall be submitted to and approved in writing by the licensing Authority prior to the premises being used for licensable activities The measures detailed in the plan shall be fully implemented at all times. This plan shall be subject to regular review and any changes necessary shall be submitted in writing to the Licensing Authority.

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns of the objector. However, having considered the application in detail and the answers given by the applicant the Sub-Committee were satisfied that the application satisfactorily promoted the licensing objectives and therefore granted the application as detailed above.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

The meeting was adjourned at 10.48 a.m. and reconvened at 11.45 a.m.

4 Application for a Full Variation of a Premises Licence - The George, Bailey Head, Oswestry

Councillor Simon Jones, left the meeting at this point and Councillor Keith Roberts was in attendance for this item.

Consideration was given to an application for a Variation of a Premises Licence in respect of The George, Bailey Street, Oswestry, SY11 1PX.

Ms. L. Prince (Solicitor – Shropshire Council), Jessica Moores (Public Protection Officer – Professional – Shropshire Council), Miss Alison Beckett (Manager and DPS), Mr Beckett and Ms Johnson (Solicitor acting on behalf of the applicant) and Mr Duncan Borrowman (Objector) were in attendance.

Ms Johnson, Solicitor acting on behalf of the applicant, addressed the Sub-Committee explaining that the application was seeking an extension of hours until 2.00 a.m. on certain days of the year. It was noted that following discussions with the police in relation to the prevention of crime and disorder an additional condition had been agreed to add an additional condition as detailed in the report of the Public Protection Officer. It was added that the objections raised by the three local residents were not supported by objections from either the police or the Environmental Health.

In response to questions from the Members of the Sub-Committee and objectors the applicant's representative confirmed that:

- Objectors had been contacted as part of the mediation process, as this was standard practice;
- It was not considered necessary to employ door staff as when the premises had opened late with a Temporary Event Notice there were no door staff and no issues had arisen; and
- There had been no complaints received and there were no ongoing issues to report.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received. The Public Protection Officer reported an amendment to include Easter Saturday in all licensable activity.

Mr D. Borrowman (Objector) addressed the Sub-Committee in relation to the application. Mr Borrowman explained that he owned and lived above the Bailey Head Public House which was situated near to The George. The building was listed and single glazed and so noise was already a problem

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 12.30 p.m. and reconvened at 12.37 p.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for The George, Bailey Street, Oswestry, SY11 1PX, be granted for the following days, hours and licensable activity:

Supply of alcohol (on/off premises)

Mon – Sat 09:00 – 00:30

Sun 09:00-23:30

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early May Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Saturday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

Recorded Music (Indoors)

Mon – Sat 09:00-00:30

Sun 09:00-23:00

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early May Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Sunday; Easter Saturday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

Live Music (Indoors)

Performance of Dance (Indoors)

Indoor Sporting Events

Mon – Sat 09:00-00:30

Sun 09:00-23:30

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early May Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Saturday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday

declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

Late Night Refreshment (Indoors)

Mon-Sat 23:00-00:30

Sun 23:00-23:30

New Year's Eve 09:00-03:00 on 2nd January

09:00 to 02:00 the following morning on:

St Patrick's Day; St David's Day; St George's Day; St Andrew's Day; St Valentine's Day (14th Feb); Burns Night; Bonfire Night (5th Nov); Early May Bank Holiday (Fri, Sat, Sun, Mon); Late May Bank Holiday (Fri, Sat, Sun, Mon); August Bank Holiday (Fri, Sat, Sun, Mon); Maundy Thursday; Good Friday; Easter Saturday; Easter Sunday; Easter Monday; Christmas Eve; Christmas Day; Boxing Day; 27th December; 28th December; 29th December; 30th December; Any other public holiday declared by the state (Fri, Sat, Sun, Mon) (Coronation, death of the monarch, wedding, jubilee, etc.); British Summer Time 1hr Extension

That the Embedded Restrictions added to the existing Licence under the Licensing Act 1964 be removed.

And in accordance with the operating schedule contained within the current premises licence and an additional condition as recommended by the Police as follows:

Where licensable activities are to be operated after 00.30 hours SIA door staff will be required on a ratio of 1 to 100 customers or part thereof from 22.00 to closing time on the following days:-

New Years' Eve, New Year's Day, St Patrick's Day, St David's Day, St George's Day, St Andrew's Day, St Valentine's Day, Burns Night, Bonfire Night, Early May Bank Holiday (Friday Saturday Sunday Monday) Late May Bank Holiday (Friday Saturday Sunday Monday) August Bank Holiday (Friday Saturday Sunday Monday), Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, any other public holiday declared by the state (Friday Saturday Sunday Monday) (Coronation, Death of the Monarch, Wedding, Jubilee etc.) Christmas Eve, Christmas Day, Boxing Day, 27th December, 28th December, 29th December, 30th December."

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns raised by the objectors to the application.

Having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was sufficient evidence to prove the application did not satisfactorily promote the licensing objectives and therefore granted the application as detailed above.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 15 June 2017

**10.00 am - 12.02 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND**

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Peter Adams, Dean Carroll and Paul Milner

5 Election of Chairman

RESOLVED:

That Councillor Peter Adams be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

6 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

7 Application for a Variation of a Premises Licence - The Cornhouse, Wyle Cop, Shrewsbury

Consideration was given to an application for a Variation of a Premises Licence in respect of The Cornhouse, 59a Wyle Cop, Shrewsbury SY1 1XJ.

Ms A. Clinch (Objector), Mr M. Evans (Objector), Mrs L. Evans (Objector), Mr D. Jones (Objector), Mr M. Jones (Objector), Councillor N. Green (Local Member & Shrewsbury Town Councillor), Mr. W. Wyatt (Licence Holder), Ms. L. Prince (Solicitor – Shropshire Council) and Ms. J. Moores (Public Protection Officer – Professional – Shropshire Council) were in attendance.

The applicant addressed the Sub-Committee explaining that he wanted to modify and modernise the Cornhouse and the variation application had been submitted to fit in with his business model for the premises following discussions with the Licensing Team.

In response to questions from the Public Protection Officer (Professional), Members of the Sub-Committee, Councillor Green and Objectors the Applicant confirmed that:

- Food would be the main focus of the business but he wanted to attract customers with additional opening hours;
- He did not want to create a noisy party place;

- Customers going outside to smoke was an issue but he was happy to hear suggestions on how to reduce the impact on residents;
- The use of the word 'disco' in the advertising of the premises referred to the atmosphere that he wished to create and it would not be a nightclub;
- He would like to work with residents and not cause any disturbance;
- He would not serve intoxicated people as this would be contrary to his licence;
- There were premises with glass windows similar to those at the Cornhouse;
- The music at the premises would be background music;
- There was no official outside smoking area but would consider one if this was beneficial to residents;
- He was unsure at present whether he intended to apply for a pavement licence;
- There was no noise limiter on the music system;
- There would be a second set of doors on the exit/entrance by Century House; and
- He would be operating a Challenge 25 policy.

The Public Protection Officer (Professional) addressed the Sub-Committee, confirming that the application had been accepted as a valid application and that during the statutory consultation period relevant representations had been received.

The Public Protection Officer (Professional) noted that the applicant had requested conditions to be removed from the existing licence as detailed in paragraph 6.5 of the report and explained that following a representation from West Mercia Police the applicant had agreed for conditions as outlined in paragraph 7.1 of the report to be added to the premises licence.

In response to questions from Members of the Sub-Committee and objectors the Public Protection Officer (Professional) confirmed that:

- The notice of the application was displayed in line with the policy but was printed on white paper instead of blue paper;
- For some applications it was necessary for more than one notice to be displayed; and
- The applicant had been passed relevant information in relation to the issues concerning the fire alarm system.

Ms A. Clinch addressed the Sub-Committee in relation to the application. She noted that she lived very close to the premises and was concerned that the changes to the licence would have a detrimental impact on the quality of her life.

Mr M. Evans addressed the Sub-Committee in relation to the application. He stated that he welcomed the reopening of the Cornhouse but was concerned in regards to the additional opening hours requested and considered the commercial benefit of allowing alcohol sales until midnight was disproportionate to the impact this would have on residents.

Councillor N. Green (Local Member & Shrewbury Town Councillor) addressed the Sub-Committee in relation to the application noting that he had a number of concerns in relation to public safety.

Mr D. Jones (Objector) addressed the Sub-Committee in relation to the application noting that he had concerns regarding the extension of opening hours beyond 11.00 pm.

Mr M. Jones (Objector) addressed the Sub-Committee in relation to the application stating that this was a residential area and he was concerned that residents would suffer nuisance and anti-social behaviour if the opening hours were extended.

In response to questions from the Applicant, Members of the Sub-Committee and the Public Protection Officer (Professional) the objectors confirmed that:

- Noise issues would be caused when customers came outside of the premises;
- A smoking area directly at the front of the premises with barriers and a limit to when food was served outside would be helpful to some residents;
- The additional hours would prolong problems for residents; and
- A contact number for residents and a dispersal plan would be beneficial.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 11.31 a.m. and reconvened at 11.59 a.m. to announce their decision.

RESOLVED:

That the application for a variation of a premises licence for The Cornhouse, 59a Wyle Cop, Shrewsbury, SY1 1XJ be granted for the following days, hours and licensable activity:

Supply of alcohol (on/off premises)

Monday – Sunday: 09:00 – 00:00

Non Standard Timings

End time on New Year's Eve is start time on New Year's Day

Late Night Refreshment (Indoors)

Monday to Saturday: 23:00 - 00:00

Sunday: 23:00 - 23:30

Non Standard Timings

Good Friday and Xmas Day 23.00-23.30. New Year's Eve 23.00-05.00.

Recorded Music (Indoors)

Monday to Sunday: 23:00 – 00:00

End time on New Year's Eve is start time on New Year's Day

Opening Hours

Monday to Sunday: 09:00 – 00:30

End time on New Year's Eve is start time on New Year's Day

Subject to the removal of the following conditions from the existing licence:

- The Embedded Restrictions added to the licence under the Licensing Act 1964 and can be seen on the existing Premises Licence at the end of Annex 1.
- The General conditions in Annex 2 of the existing licence to be updated/replaced with the additional conditions outlined in the operating schedule.

An additional condition for the applicant to provide contact details of two members of staff to residents

And in accordance with the following operating schedule:

General

Staff training on Licensing Act 2003/Emergency Action Plan updated at least annually. Records kept and available to the Responsible Authorities on request.

The Prevention of Crime & Disorder

1. Digital colour CCTV system operating at all times licensable activities are taking place, covering areas public have access to (save for toilet areas) and front entrance doors to premises. Images retained for a minimum of 28 days. Images produced to any responsible authority upon request and in a viewable format. A member of staff trained in the operation of the CCTV system will be at the premises at all times licensable activities are taking place.
2. The premises shall have a town centre link radio.

Public Safety

1. Fire alarm maintained in operational order
2. First Aid kit in place

The Prevention of Public Nuisance

1. The windows will be kept shut when Regulated Entertainment is taking place
2. Signs at front door asking customers to leave quietly

The Protection of Children from Harm

1. Training will be held to train all persons supplying alcohol (prior to them supplying alcohol) on the Challenge 25 procedures and service to intoxicated persons. Refresher training no less than every three (3) months. A training record to be maintained and available to responsible authorities on request.

2. Challenge log kept and available to responsible authorities upon request.
3. Challenge 25 Policy applied. Signage at points of alcohol sale. Visual prompt concerning Challenge 25 at close proximity to points of sale, the front entrance and on each floor level.

Reasons: The Sub-Committee had considered all the representations that had been made by all parties before and at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee had noted the concerns raised by the objectors to the application.

Having considered the application in detail and the answers given by the applicant the Sub-Committee were not satisfied that there was sufficient evidence to prove the application did not satisfactorily promote the licensing objectives and therefore granted the application as detailed above but made the following suggestions to the applicant:

- That a noise limiter was fitted to the sound system to determine an objective level for the background music;
- That ash trays be provided at the front of the premises on Wyle Cop;
- That the outside of the premises is cleaned every morning before opening; and
- That the entrance/exit on Wyle Cop is used as the main entrance/exit.

The parties were advised that the decision would be confirmed in writing within 7 days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

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SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 28 June 2017

10.00 - 10.37 am in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillors Simon Jones, Kevin Pardy and Keith Roberts

8 Election of Chairman

RESOLVED:

That Councillor Keith Roberts be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

9 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

10 Application for a Review of a Premises Licence - News Shop Express, Shrewsbury

Consideration was given to an application for a Review of a Premises Licence in respect of News Shop Express/First Stop Express, 5 London Road, Shrewsbury, SY2 6NN.

Mr. G. Tunnadine (Applicant - Trading Standards – Shropshire Council), Ms. L. Prince (Solicitor – Shropshire Council), Ms. J. Moores (Public Protection Officer – Professional – Shropshire Council), PC. K. Roberts (West Mercia Police) and Sgt. S. Morris (West Mercia Police) were in attendance.

The Licence Holder was not in attendance.

The applicant, Mr. G. Tunnadine provided the Sub-Committee with background information relating to the premises and the circumstances that led to the submission of an application for a review of the premises licence. He made reference to two failed test purchase exercises and a Police incident at the Premises in April 2017. It was explained that the business had recently transferred to a new owner and the new owner had applied for a new premises licence.

The Public Protection Officer (Professional) addressed the Sub-Committee, and confirmed that the application had been accepted as a valid application.

PC. Roberts addressed the Sub-Committee in relation to the application and confirmed that the Police had been in attendance at the time of the two failed test purchase exercises and that the Police been called to an incident at the premises on 19th April 2017.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub- Committee retired to consider the application, in private, at 10.26 a.m. and reconvened at 10.36 a.m. to announce their decision.

RESOLVED:

That the Premises Licence for News Shop Express/First Stop Express be revoked.

Reasons

The Sub-Committee had considered all of the documents submitted prior to the hearing and the representations made by those parties present at the hearing. The Sub-Committee were disappointed however, that the Licence Holder had not attended the hearing.

The Sub-Committee considered the information provided by the Applicant in relation to the potential transfer of the business to a third party but noted that no evidence or details were provided to support this. They were therefore satisfied that no sanction other than revocation of the licence would be appropriate. The Sub-Committee were so concerned by the serious nature of the breaches of the licence conditions and the management of the premises that it was not appropriate for the licence to remain in place while the premises were operated by the Licence Holder.

The Sub-Committee did not consider it would be appropriate to simply remove the Designated Premises Supervisor as they considered the failings in the business related to the overall poor management of the premises.

The parties were advised that the decision would be confirmed in writing within 7 working days of the date of the hearing. Every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date:

SHROPSHIRE COUNCIL

LICENSING ACT SUB-COMMITTEE

Minutes of the meeting held on 10 July 2017

10.00 am - 12.31 pm in the Ludlow Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillors: Peter Adams, Simon Jones and Paul Milner

11 Election of Chairman

RESOLVED:

That Councillor Peter Adams be elected Chairman of the Licensing Act Sub-Committee for the duration of the meeting.

12 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

13 Application for a Premises Licence - Orchard Cafe, 11 Belmont, Shrewsbury, SY1 1TE

Louise Prince (Solicitor – Shropshire Council), Jessica Moores (Public Protection Officer – Professional), Mr Rick Davies (Shrewsbury Diocese Commercial Company Limited – Applicant), Mr Tim Shield (Applicant's Solicitor), Mr P Cox (Objector), Mr Davies (Objector), Mrs Whitehouse (Objector) and Mr A Shrank (Objector) were present.

On behalf of the applicant, Mr Shield addressed the Sub-Committee. He stated that the application was seeking permission to sell alcohol between 10.00 a.m. and 6.00 p.m. each evening. The applicant's representative outlined how the space within the Orchard Café would be used, explaining that the first floor would only be used for pre-arranged functions and the intention was to run tours of the cathedral with refreshments, including alcoholic beverages. It was further explained that the hours had been reduced from 11.00 p.m. to 6.00 p.m. as a direct response to concerns raised by local residents. It was noted that there were no objections from either the police or from environmental health.

In response to questions from the Objector and Members of the Sub-Committee the applicant's solicitor confirmed:

- If the Sub-Committee were to grant the application he was willing to add a condition to require that alcohol purchased from the premises by 6.00 p.m. is

consumed by 6.30 p.m. to ensure gradual drinking up time and customer dispersal;

- The consumption of alcohol was not a licensable activity;
- The use of the terrace area was intended to allow for greater flexibility and to offer a place to have a drink outside during the fine weather;
- The diocese had a general obligation to manage behaviour and assured the objectors that behaviour would be very well managed throughout the premises;
- The main access to the café was through the main car park; and
- The intention was not to operate the premises like a bar or pub.

The Public Protection Officer (Professional) addressed the Sub-Committee confirming that the application had been accepted as a valid application and that during the statutory consultation period five relevant representations had been received in respect of public nuisance and public safety. It was confirmed that in response to representations made by local residents, and through the mediation process the applicant had drastically reduced the licensable activities and times being applied for.

The Chairman invited the objectors to present their case. With the agreement of all parties present Mrs Whitehouse, on behalf of the objectors circulated photographs which she referred to during her presentation. Mrs Whitehouse explained that their concerns related to public nuisance caused by the noise generated which would be considerable and intrusive to many nearby properties which were listed and therefore single glazed and also to the risks to public safety. The Objectors raised concerns relating to the prevention of harm to children, explaining that there were young children living nearby who might be exposed to anti-social behaviour.

The Chairman invited all parties to sum up and make any final comments prior to the Sub-Committee making a decision on the application.

Members of the Sub-Committee retired to consider the application, in private, at 12.00 noon and reconvened at 12.28 a.m. to announce their decision.

RESOLVED:

That the application for a Premises Licence for Orchard Café, 11 Belmont, Shrewsbury, be granted for the following days, hours and licensable activity, with an additional condition that alcohol purchased from the premises by 18:00 hours must be consumed by 18:30 hours.

Supply of Alcohol (On and Off premises)

Monday to Sunday - 10:00 to 18:00

Opening Hours

Monday – Sunday - 00:00 to 23:59

And in accordance with the following operating schedule

Prevention of Crime and Disorder

- 1] The use of door staff will be risk assessed on an ongoing basis by the premises licence holder or premises supervisor
- 2] Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided.
- 3] Staff will receive training on matters concerning underage sales, drug policies and operating procedures.
- 4] There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
- 5] CCTV will be in operation and cover all entrances and exits of the premises, points of sale as well as the outdoor seating areas. CCTV recordings will be kept for a minimum of 30 days and made available to any authorised officer upon request

Public Safety

- 1] The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
- 2] Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
- 3] Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

Prevention of Public Nuisance

- 1] Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the need of local residents and leave the premises and area quietly.

Protection of Children from Harm

- 1] There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
- 2] Where children are admitted to the premises their presence shall not be inconsistent with the style and operation of the premises at the time and licensable activities that are being carried out.
- 3] Proof of id being passport, photo card driving licence, Government approved PASS photo ID card or HM Forces ID card.
- 4] Challenge log kept and available to responsible authorities upon request.
- 5] Training will be held to train all persons supplying alcohol on the Challenge 25 procedures. Refresher training no less than annually

Reasons:

The Sub-Committee had considered all of the representations that had been made by all parties prior to the hearing together with the evidence submitted at the hearing. The Sub-Committee also took into account the Guidance issued under S182 of the Licensing Act 2003 and Shropshire Council's Licensing Policy.

The Sub-Committee were not satisfied that sufficient evidence had been presented to refuse the application or show that the four licensing objectives would not be promoted.

The Sub-Committee noted that following discussions prior to the hearing the applicant had taken into account the residents' concerns and had reduced the hours requested for the Licensable Activity.

The Sub-Committee recommended that the applicant contacts Shropshire Council to get a concealed entrance or similar sign to improve road safety in the area and that the applicant arranges for contact details to be given to residents to help prevent any future problems.

The applicant was advised that the decision would be confirmed in writing within 7 days of the date of the hearing and that every party had the right of appeal against this decision to the Magistrates Court within 21 days of being notified of the decision.

Signed (Chairman)

Date: