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## **MINUTES OF THE MEETING OF THE LICENSING COMMITTEE MONDAY, 14 OCTOBER 2024**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,  
Rugby Road, West Bridgford  
and live streamed on Rushcliffe Borough Council's YouTube channel

### **PRESENT:**

Councillors H Parekh (Chair), J Billin, R Butler, J Chaplain, K Chewings, G Fletcher, C Grocock, R Mallender, D Mason, H Om, A Phillips, D Simms, D Soloman and G Williams

### **OFFICERS IN ATTENDANCE:**

|             |                                                    |
|-------------|----------------------------------------------------|
| G Carpenter | Head of Public Protection                          |
| M Hickey    | Principal Officer - Community Safety and Licensing |
| D Roberts   | Senior Licensing and Enforcement Officer           |
| H Tambini   | Democratic Services Manager                        |

### **APOLOGIES:**

Councillors J Cottey and N Regan

#### **1 Declarations of Interest**

There were no declarations of interest made.

#### **2 Minutes of the Meeting held on 17 October 2023**

The minutes of the meeting held on Tuesday, 17 October 2023, were approved as a true record and signed by the Chair.

#### **3 Gambling Act 2005 - Draft Statement of Licensing Principles 2025-2028**

The Senior Licensing and Enforcement Officer introduced the report and advised that as a Licensing Authority, the Council had to determine and publish its statement of principles every three years. The Committee was advised that there was very little change to the Policy, as a review of the Gambling Act was taking place, and all authorities had been advised to make the minimum changes required, as once the review was published, a change to guidance might take place. The Senior Licensing and Enforcement Officer advised that the only major change related to the Local Area Profile, as detailed at Section 2.2 of the Policy, to reflect changes to population densities and crime statistics.

The Head of Public Protection clarified that the current Policy expired on 31 January 2025, so this new Policy needed to be endorsed by the Committee and then submitted to Council in December for approval.

The Senior Licensing and Enforcement Officer confirmed that the Policy had

been consulted on, with Appendix 1 detailing the list of bodies and organisations consulted, together with a list of the three consultation responses received as detailed at Appendix 3, which were read out in full to the Committee.

Councillor Chaplain referred to Section 2.10 of the Policy and supported the idea of including specific reference to information sharing, as she felt that although it was already covered, if you knew what was in the Act, it would be helpful.

Councillor Chewings stated that this was already defined in Schedule 6.1 of the Act and questioned if that could be changed anytime there was a new Government, which could affectively make the Policy out of date, and he was concerned that this could cause additional work for officers. The Senior Licensing and Enforcement Officer advised that it could change and confirmed that there was a provision to allow changes to be made throughout the three year period.

The Chair explained that the current list in the Policy was not exhaustive and felt that adding things would limit measures; however, it was for the Committee to decide.

The Senior Licensing and Enforcement Officer advised that annual inspections of gambling premises in the Borough were undertaken and he confirmed that they were all compliant and aware of regulations, and in answer to a question about undercover operations, it was confirmed that targeted test purchases were done.

**It was RESOLVED that** the Statement of Principles be endorsed and sent to Council for approval.

#### **4 Street Trading Policy 2025-2030**

The Senior Licensing and Enforcement Officer introduced the report and advised that whilst there was no legal requirement for this Policy to be reviewed it was considered best practice to do so.

The Committee noted that most changes were small, apart from the changes related to conditions, which were attached to every license issued. Of those, the main change was the requirement for all ice cream traders to have a current DBS certificate, given their access to children. The other main change related to Nottingham Forest Football Club, where consent was required in a number of locations to trade on match days. Recently there were issues with the Take That concert, with traders continuing to trade outside of match days in those areas, so the conditions have been changed to say that if they wish to trade outside those designated match days, they must apply for a separate street trading consent. All the traders with consent, had to have a minimum 3 rating on food hygiene.

Councillor Simms asked if there was any cost in applying for an extra licence, how long it took and expressed concern that additional burden was being put on businesses. The Senior Licensing and Enforcement Officer stated that they

would use the same consent, it would simply be modified and there would be no additional cost.

Councillor Chewings questioned why the Policy had been changed to only include ice cream traders, (re DBS requirements), and whilst he did not think that it should go back to covering everyone, he was concerned that other vendors who mainly had contact with children, were no longer covered by this, and he suggested that some alternative, broader wording was required. The Senior Licensing and Enforcement Officer agreed that previously parts of the Policy had placed an additional burden on street traders and advised that there was a declaration within the application asking traders if they had any unspent convictions, and if they did, they would be asked about them. He went on to advise that the Council did not regulate market traders, as they came under the Markets Charter; however, if there was a mobile street trader offering confectionary, they would be asked for a DBS certificate, and if necessary it would be put into the Policy. Councillor Chewings asked for this to be added to the Policy now, and the Head of Public Protection stated that subject to the Committee's approval that could be added.

Councillor Chewings proposed that the wording be changed from ice cream traders to "traders with the primary objective of selling to children...." and this was seconded by Councillor Simms.

Councillor Simms stated that ex-offenders needed to work and asked where the bar was set, and what sort of offences would be unacceptable. The Senior Licensing and Enforcement Officer referred to the Fit and Proper Test used in taxi licensing, which took into account the history and types of convictions and advised that this was not currently part of this Policy, but that it could be. Councillor Simms was concerned about the governance procedure, and that if it was left to individual opinions, people had differing perceptions and views, and he felt that there should be a framework in place to ensure that the appropriate checks and balances were in place. The Senior Licensing and Enforcement Officer stated that there was an appeals process, going through various officers but Councillor Simms reiterated that a framework should be in place.

Councillor Parekh asked if there could be a formal framework circulated to Councillors to ensure that they were aware of the procedure, and the Principal Officer – Community Safety and Support advised that the DBS system had been required for all street trading for the last five years, with no particular issues raised and a system was in place where decisions were checked by senior offices, with an appeals process in place. Councillor Simms stated that he understood that; however, officers and Councillors still needed a framework and guidelines to follow, and Councillor Billin agreed that taking an individual out of the process was important, as staff changed, and consistency was required.

Councillor Phillips asked about the procedure to check food hygiene ratings and the Head of Public Protection confirmed that all food businesses had to be registered with the local authority in which they operated, they were visited at their base and mobile vehicle, and the scheme was highly monitored, with anything rated three or above being broadly compliant.

Councillor Grocock reiterated the comments made by Councillor Simms that it was important to know the processes followed and to include them in a framework that could be added as an appendix to the Policy. This would detail how officers and potentially Councillors would come to any decision and ensure that the appeals process was transparent and he put this forward as a proposal, which was seconded by Councillor Fletcher. The Head of Public Protection stated that it should be possible to add a framework to a revised appendix; however, he asked the Committee to be mindful of the timescales, as this Policy had to be submitted to Council in December, to be in place by January 2025.

Councillor Soloman advised that the Policy was about protecting everybody, including officers when making decisions, and it was very important to have measures in place, which protected the most vulnerable.

Councillor Parekh clarified that the Committee was being asked to endorse the Policy this evening, with a supplementary appendix including a framework, being submitted to a Council meeting in the New Year.

Councillor Chewings suggested that the Fit and Proper Test used for taxi licensing could form the basis of this framework, with some appropriate examples and Councillor Soloman reminded the Group that after 10 years convictions no longer stood.

Councillor Williams questioned what happened in relation to trading around Trent Bridge and the Senior Licensing and Enforcement Officer stated that currently the Policy only applied to the football ground, and street trading was not allowed when cricket matches were being played.

**It was RESOLVED that:**

- a) the draft Street Trading Policy be endorsed, subject to the inclusion of additional wording in sections related to ice cream traders to include “traders with the primary objective of selling to children”;
- b) it be recommended to Council that the Street Trading Policy be adopted; and
- c) that a framework detailing the assessment of convictions and suitability of applicants process be drafted and submitted to a future meeting of Council for approval.

The meeting closed at 7.56 pm.

CHAIR