



Leicester
City Council

MINUTE EXTRACT

Minutes of the Meeting of the LICENSING COMMITTEE

Held: WEDNESDAY, 8 SEPTEMBER 2004 at 5.00pm

P R E S E N T :

Councillor Henry - Chair
Councillor O'Brien - Vice-Chair

Councillor Allen
Councillor Chohan
Councillor Keeling
Councillor Nurse
Councillor Westley

Councillor Beck
Councillor Farmer
Councillor Lloyd-Harris
Councillor Seare

* * * * *

8. DECLARATIONS OF INTEREST

Members were asked to declare any interests that they had in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applied to them.

Councillors Allen, Green, Nurse and Westley all declared a non prejudicial interest in item 4 on the agenda, 'Review of Street Trading Policy', as they were all Members of the Council's Markets Forum.

11. REVIEW OF STREET TRADING POLICY

The Service Director Community Protection and Well-being submitted a report to enable Members of the Committee to study and offer comments on the options available to the Council for the review of the Street Trading Policy.

It was reported to Members that Consultants had carried out a consultation exercise on behalf of the Licensing Section and their findings report had been circulated to the Committee Members.

The Committee was advised that currently Licensing Officers take prosecution action against offenders but that this has proved to be an ineffective deterrent to those who are determined to trade. In addition, the costs of pursuing legal action were often significantly higher than the costs that were awarded to the Council by the Magistrate's Court, thus making the action uneconomical.

The consultants report identified that the activities of street traders were of

particular concern to shops, Market traders, the police and the city centre manager. However, the public were generally more tolerant of street trading activities.

Members were asked to suggest a direction in which the development of a revised Street Trading Policy should go and they were advised of the options available for this. These were a continuation of the present approach of prohibition and enforcement action or an approach that would allow a level of street trading but would seek to control what was acceptable. It was noted that this would need to be backed up with tougher enforcement activities involving the seizure of illegally traded goods by means of a local act of parliament. Such an act could also include powers to control other types of behaviour sometimes considered anti-social such as massage parlours, charity promoters, beggars and buskers.

Members thanked the Service Director for Community Protection and Well-being for the report. They agreed that the activities of illegal street traders was of concern and noted that the matter had been raised at the Markets Forum on a number of occasions and was a major concern to market traders in Leicester. Members were aware that there was limited enforcement action that could be taken by both the Police and Council Officers.

Members felt strongly that street trading should not be allowed and favoured increased enforcement rather than a relaxing of the rules. It was accepted that current enforcement powers were insufficient in controlling street trading and Members felt there should be further investigation into obtaining a local act of parliament to allow illegally traded goods to be seized.

Members also suggested that the Inland Revenue may be able to assist in enforcement action. They felt enforcement should be spread across the whole of Leicester and not just the City Centre but accepted that at present there were insufficient resources to adequately do this. Members advised that they were aware of some effective enforcement action that was being undertaken in other authorities and agreed to provide details of this to Officers in the Licensing Section.

The Solicitor to the Committee advised Members that before a local act could be sponsored it would require a resolution of the full Council. As the deadline for initiating local acts was in December each year it was unlikely that the 2004 deadline could be met. He also advised that the costs of sponsoring a local act of parliament were considerable.

Councillor Westley, seconded by Councillor Nurse proposed the following resolution that was unanimously agreed by the Committee:

- (1) That the Licensing Committee wishes to see a continuation of the present policy of prohibiting day time street trading and a programme of enforcement action in keeping with the resources available; and
- (2) That the Committee requests that officers investigate the possibility of

promoting a local act of parliament which would introduce stronger enforcement powers and would include the power to seize goods being illegally exposed for sale.

Councillor Ramsdale, Cabinet Link Member for Environment, was invited under rule seven of the scrutiny procedure rules of the Councils constitution to respond to the Committee's views on street trading. He advised that he had favored a policy that would allow a limited amount of controlled street trading. He expressed concern at the potential costs involved in sponsoring a local act of parliament. He did however agreed to consider the Committee's position following further reports on the implications of pursuing a local act of parliament.

RESOLVED:

- (1) That the Licensing Committee wishes to see a continuation of the present policy of prohibiting day time street trading and a programme of enforcement action in keeping with the resources available; and
- (2) That the committee requests that officers investigate the possibility of promoting a local act of parliament which would introduce stronger enforcement powers and would include the power to seize goods being illegally exposed for sale.

