

## MENDIP DISTRICT COUNCIL

Minutes of the meeting of Full Council held on Monday, 26 September 2016 in the Council Chamber, Council Offices, Shepton Mallet commencing at 6.30pm.

### COUNCILLORS

**PRESENT:** Bryan Beha, Eve Berry, Peter Bradshaw, Adam Boyden, John Brunsdon, John Carter, Rachel Carter John Coles, Shane Collins, Nick Cottle, Simon Davies, Stina Falle, Philip Ham, Des Harris, Bente Height, Steve Henderson, Alvin Horsfall, Lloyd Hughes, Tom Killen, Roy Mackenzie, Jeannette Marsh, Clive Mockford, Graham Noel, John North, Linda Oliver, John Osman, John Parham, Adam Sen, Dick Skidmore, Nigel Taylor, Alan Townsend, Danny Unwin, David van Dyk, and Ros Wyke

### OFFICERS

**PRESENT:** Stuart Brown                      Chief Executive  
                   Jason Kirkwood                    Principal Licensing Officer  
                   Caroline McCafferty                Committee Officer  
                   Donna Nolan                            Deputy Chief Executive and Monitoring Officer

Agenda Item Number	Subject	Actioned by
1 and 2	<p><b>Evacuation Procedures, Induction Loop and Turning Off Mobile Phones</b></p> <p>The Chair explained the evacuation procedures and informed everyone on the use of the induction loop and requested that mobile phones be switched to silent.</p> <p>Councillor Coles was invited to offer an opening prayer. People wishing to leave the meeting during the prayer were given the opportunity to do so.</p>	
3	<p><b>Apologies for Absence</b></p> <p>Apologies for absence had been received from Councillors Joanna Beale, Edward Drewe, John Greenhalgh, Nigel Hewitt-Cooper, Damon Hooton, Claire Hudson, Terry Napper, Mike Pullin, Harvey Siggs, Helen Sprawson-White, and Nigel Woolcombe-Adams.</p>	
4	<p><b>Declarations of Interest</b></p> <p>There were no declarations of interest.</p>	
5	<p><b>Chairman's Engagements , Communications and Announcements</b></p> <p>The Chairman had attended the following engagements since the last meeting of full Council:</p>	

	<p>Saturday 23 July - Chairman of Mendip District Council Civic Event. Former Prison, Shepton Mallet.</p> <p>Sunday 24 July - Chairman of Sedgemoor District Council Civic Service, Wedmore.</p> <p>Monday 25 July - Funeral of Peter Bobbett, former employee of Mendip District Council, Croscombe Church.</p> <p>Monday 12 September - High Sheriff of Somerset Garden Party and Award Ceremony, American Museum, Bath</p> <p>The Chairman announced that the meeting would be recorded, and requested that any members of the public wishing to record the meeting could make themselves known. Mr Malcolm Higgins stated that he was recording the meeting.</p>	
<b>6</b>	<p><b>Public Participation</b></p> <p>Martin Watts wished to speak with regard to the minutes of the last meeting, but was limited by the Chair due to the nature of his representation. The Deputy Chief Executive and Monitoring Officer explained that it was important to make clear that there were very serious accusations being made in respect of a Councillor and that there was a process to be followed. She further stated that she would be very happy to guide Mr Watts through the process if he wished to make allegations against an Elected Member.</p>	
<b>7</b>	<p><b>Previous Minutes of the Council</b></p> <p>The minutes of the meeting held on 11 July 2016 were agreed as an accurate record. Councillors John Brunsdon, Nick Cottle, Ros Wyke, Bryan Beha, Roy Mackenzie, Shane Collins, Adam Sen, Stina Falle, Des Harris and Alvin Horsfall abstained from the vote.</p>	<b>Caroline McCafferty</b>
<b>8</b>	<p><b>Street Trading and Licence Fees</b></p> <p>The Portfolio Holder for Neighbourhood and Community Health Services introduced a report which stated that Mendip District Council adopted the legislation to control street trading on 16 May 1994. Councils must then 'designate' the places to be controlled to exercise their powers.</p> <p>Through effective implementation of controls, the aim was to:-</p> <ul style="list-style-type: none"> <li>• administer this law in a way that could be understood.</li> <li>• make clear how this approach was beneficial to the district.</li> <li>• offer a professional and accessible service for businesses, individuals and residents alike.</li> </ul> <p>The primary objectives were to:-</p> <ul style="list-style-type: none"> <li>• Prevent obstruction of roads and footways and so promote the safety of people using them.</li> </ul>	<b>Jason Kirkwood</b>

- Enhance the character and offer of the local towns, but not to the detriment of existing businesses.
- Balance any genuine benefits created by this trading against any adverse effects of nuisance or annoyance to the local community.

It was proposed to designate all streets in the Mendip District area as consent streets. It was also proposed to have a draft fees structure to administer the regime and a draft Street Trading Policy.

Two phases of consultation have been completed:-

1. Creating a new Street Trading Policy.
2. Designating the entire administrative area of Mendip District Council for the purpose of controlling street trading through the issue of consents.
3. Providing a draft scale of charges for this service.

The Council will rescind any existing designations of streets for street trading purposes.

Licensing Board considered the responses from both phases of consultation and made recommendations to Full Council to carry through this work.

As this was a new service covering the whole district, it seemed appropriate that Full Council considered the matter for final approval.

In the discussion that followed, thanks were passed on to all involved with this process including Members and Officers, particularly the Principal Licensing Officer.

In response to questions, the Principal Licensing Officer clarified the following points:

- Card payments were likely to be accepted after July 2017 when Licensing would be working under a new operating model.
- Land Owners consent would be required where applicable.
- The date of 5 December 2016 was planned as the implementation date. This would only be missed if there were any mistakes in the process e.g failings in publication of the public notice
- When the second consultation closed, all the representations which were received were considered by the Licensing Board, however the Principal Licensing Officer would check if Glastonbury's representations were received.
- The desire for the identity of each town not to be interfered with had been raised during the first stage of consultation, and the aim was to open up the town centres whilst ensuring a level playing field.

- The intention was not to prevent current street trading, but to regulate it.
- The selling of services could not be controlled under this legislation.
- Buskers would not need a licence unless they were also selling goods such as CDs.
- The fees were based on the cost of running the services which the Council deliver, and a consent could be obtained for £30 for up to one month.
- Comparisons with fees in other areas had been made, but are not particularly relevant, and the fees reflected actual service costs to Mendip District Council.
- Privately managed shopping centres are covered by a local exemption from control and landlord consent would be needed for privately owned pavements.

The Portfolio Holder for Neighbourhood and Community Health Services stated that concerns had been raised in regard to the extra workload that the introduction of this policy would incur for the Principal Licensing Officer. It had been agreed that trained Enforcement Officers would be made available from the Neighbourhood Services Team for the initial period.

In response to questions regarding the outsourcing of Licensing to Capita, the Deputy Leader of the Council explained that Capita provide a wide range of services to the Council via the arrangements made with the 5 Councils contract. The benefits had been aired and discussed at various committees and the details would be made available.

One Member felt that Mendip was considered an easy area for street trading and that enforcement should be robust.

The Portfolio Holder for Neighbourhood and Community Health Services proposed that Council approve:

1. The draft Street Trading Policy attached at ANNEX 1.
2. The draft schedule of charges for the service attached at ANNEX 2.
3. Confirmation of the Council's intention to designate all the streets in the Mendip District Council area for the purpose of street trading control through the issue of consents. This would be carried out in manner set down in ANNEX 3.
4. The rescinding of any current designations of streets that might be in force.

Delegated authority to the Principal Licensing Officer in conjunction with the Chair of Licensing Board to make any minor amendments that might be required. This would allow any mistakes or minor omissions to be corrected, where appropriate.

This was seconded by Councillor John Parham.

The resolution was carried.

### **RESOLVED**

Council approved:

1. The draft Street Trading Policy attached at ANNEX 1.
2. The draft schedule of charges for the service attached at ANNEX 2.
3. Confirmation of the Council's intention to designate all the streets in the Mendip District Council area for the purpose of street trading control through the issue of consents. This would be carried out in manner set down in ANNEX 3.
4. The rescinding of any current designations of streets that might be in force.

Delegated authority to the Principal Licensing Officer in conjunction with the Chair of Licensing Board to make any minor amendments that might be required. This would allow any mistakes or minor omissions to be corrected, where appropriate.

In addition, the Council would publish its intention to designate the streets in this manner and then consider any responses it received. Licensing Board to consider any responses and to make that final decision whether to designate the streets after that statutory period. This meant that once Full Council approved the above matters, then in accordance with ANNEX 3, the Council would give notice of its intention to designate all of our streets. It must consider any comments made during the statutory period of one month that followed.

### **REASONS FOR THE RESOLUTION**

The recommendations ensured that the Council offered a professional and efficient street trading licensing service to businesses, individuals and the public. In doing so, it would promote the statutory purposes of the legislation for the benefit of all.

It was aimed to mitigate the following:-

1. Those that wished to trade had no security of tenure and another trader could take their 'pitch' without warning or notice.
2. Existing businesses had no protection from temporary traders that set up in their town.
3. Local people and businesses had no say in the type of traders that set up in their towns.
4. There were very few or no checks done on temporary traders in Mendip.

<p>9</p>	<p><b>Parliamentary Boundary Review 2018</b></p> <p>On 13 September 2016, the Boundary Commission for England published its initial proposals for new Parliamentary constituencies. The proposals were the subject of a 12 week consultation period. Mendip was currently covered by two constituencies, Wells, and Somerton and Frome. The proposals would change the number to three: North East Somerset, Somerton and Frome and Wells.</p> <p>In the discussion that followed, the Deputy Leader of the Council stated that the proposals were dramatic for some, and suggested that comments could be emailed to the Chief Executive Officer for a balanced view.</p> <p>Members gave the various following views:</p> <ul style="list-style-type: none"> <li>• The issue was political and not a District Council matter.</li> <li>• Reorganisation would be better done by location of residents and not the electoral role.</li> <li>• The issue was a District Council matter as some wards would be split in half with several services falling under two separate MPs.</li> <li>• The population figures should be taken from the current electoral role as numbers had significantly increased due to the EU Referendum.</li> <li>• Having to answer to three separate MPs would increase the costs to the Council. It would be more efficient to have the constituencies mirror the District Councils.</li> </ul> <p>In response to questions, the Chief Executive Officer clarified that while the political constituencies would change, the district would remain the same. Under the new boundaries, there would be no Returning Officer for Mendip.</p> <p>The Deputy Leader of the Council stated that this debate had demonstrated the need for feeding ideas in to the Chief Executive Officer. He added that Members would have to judge if the boundary review was in the interest of the residents of Mendip.</p> <p>He proposed that Members be invited to put any ideas on the boundary changes via email to the Chief Executive Officer who would then liaise with the Group Leaders. A meeting would then be called, if appropriate, so that a decision could be taken on whether a representation should be made to the Boundaries Commission on behalf of the Council, and what any representation should be. Any representation would be circulated to all Members.</p> <p>This was seconded by Councillor Nigel Taylor. The resolution was carried with two votes against and one abstention.</p> <p><b>RESOLVED</b></p>	<p><b>Stuart Brown</b></p>
----------	--	----------------------------

	<p>That Members be invited to put any ideas on the boundary changes via email to the Chief Executive Officer who would then liaise with the Group Leaders. A meeting would then be called, if appropriate, so that a decision could be taken on whether a representation should be made to the Boundaries Commission on behalf of the Council, and what any representation should be. Any representation would be circulated to all Members.</p>	
<b>11</b>	<p><b>Motions to Councils</b></p> <p>There were no motions to consider.</p>	
<b>12</b>	<p><b>Questions from the Public</b></p> <p>No questions had been submitted from the public</p>	
<b>13</b>	<p><b>Questions from Members</b></p> <p>Councillor Alan Townsend requested that Members responded to a questionnaire they would be receiving asking their views on the value of the Council's association with Outside Bodies. A full response was key to the Task and Finish Action placed by the Council.</p>	
<b>14</b>	<p><b>Urgent Business</b></p>	

The meeting closed at approximately 8.00 pm.