

**At a meeting of the REGULATORY COMMITTEE held in the CIVIC CENTRE on MONDAY, 3<sup>RD</sup> OCTOBER, 2011 at 2.00 p.m.**

**Present:-**

Councillor A. Wilson in the Chair

Councillors Bell, Emerson, Errington, Francis, P. Gibson, MacKnight, Maddison, D. Richardson, D. Smith, Thompson and Waller.

**Declarations of Interest**

Councillor Thompson declared a personal interest in item 8 on the agenda as a police pension holder.

Councillor MacKnight declared a personal and prejudicial interest in item 9 on the agenda as one of the applicants was known to her and she left the room during consideration of the item.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Bonallie, F. Miller and Wiper.

**Minutes of the Last Meeting of the Committee held on 5<sup>th</sup> September, 2011**

1. RESOLVED that the minutes of the last meeting of the Committee held on 5<sup>th</sup> September, 2011, Part I (copy circulated) be confirmed and signed as a correct record.

**Local Government (Miscellaneous Provisions) Act 1982 – Revocation of Street Trading Consent – Junction of Queen Street and High Street West**

The Executive Director of City Services submitted a report (copy circulated) which sought Committee consideration of the revocation of the Street Trading Consent held by Mrs. Dorrain.

(For copy report – see original minutes).

Tom Terrett, Trading Standards and Licensing Manager presented the report highlighting the background to the matter together with the current position. Members' attention was also drawn to the representations made from the following people as detailed in paragraph 7 of the report.

- (i) Jane Perry of Home Retail Group (Argos)
- (ii) Geoff Fisher, Traffic Section
- (iii) Keith Lowes, Head of Planning and Environment
- (iv) Helen Peverley, Area Response Manager – City Centre

Paul Quin, Senior Project Manager, was present to address any questions or comments in respect of the objection made by the Street Scene Improvements Project Team as detailed in paragraph 7.4. Helen Peverley was present in regard to her objection as detailed in paragraph 7.5.

Mrs. Dorrain together with her husband were also present to address any questions or comments from Members with regard to their application. In addition a copy of an email containing further representations from Mrs. Dorrain was circulated for the information of Members. Mrs. Dorrain spoke in support of her application advising that the trailer no longer used a generator (which had led to objections regarding the noise levels at the Crowtree Road site) as the unit would use gas for cooking and batteries for lighting in the winter months. Mrs. Dorrain also refuted the claims of littering. She advised that the products were served with a single paper napkin which compared more than favourably with the packaging emanating from McDonalds on High Street West.

Consideration was given to the matter and Members examined options to allow Mrs. Dorrain to continue to trade. Members noted that as the problem regarding noise had now been addressed, the Crowtree Road site once again became a possibility.

Members being minded to allow Mrs. Dorrain to continue to trade at her current temporary location until 31<sup>st</sup> December, 2011, Mr. Quin requested that the permission to trade at that location be granted only until the completion of works to install a new sewer in High Street West. Ms. Peverley also requested that she was given adequate time to arrange for street cleaning to be undertaken before the Christmas lights were installed.

Further consideration having been given to the matter it was agreed among all parties that it be

2. RESOLVED that street trading consent be granted to Mrs. M. Dorrain for the sale of hotdogs, burgers, chips, soup, jacket potatoes, carved meat sandwiches, paninis and breakfast sandwiches every day between the hours of 08.00 and 18.00 as follows:-

- (i) from 6<sup>th</sup> October, 2011 until the completion of the works to divert the sewer in High Street West at the current temporary location opposite Mothercare,

- (ii) from the completion of the sewer diversion works to the 31<sup>st</sup> December, 2011 at the original consent site at the junction of Queen Street and High Street West, and
- (iii) from 1<sup>st</sup> January, 2012 onwards at the previously identified site outside 'Brogans' on Crowtree Road.

### **Hackney Carriage and Private Hire Vehicle Age Policies**

The Executive Director of City Services submitted a report (copy circulated) which informed Members of information to be circulated to all new applicants and current proprietors to ensure they were advised at least twice a year of the importance of ensuring that the service history of their vehicles were recorded in the required manner.

(For copy report – see original minutes).

3. RESOLVED that the report be received and noted.

### **Local Government (Miscellaneous Provisions) Act 1982 – Regulation of Sexual Entertainment Venues**

The Executive Director of City Services submitted a report (copy circulated) which sought Committee approval for amendments to the draft policy for the regulation of Sexual Entertainment Venues.

(For copy report – see original minutes).

Councillor Francis referred to the proposal to remove conditions 14 to 18 from the draft policy on the basis that they duplicated statutory requirements elsewhere and suggested that for the sense of completeness they should remain.

Mr. Wotherspoon, Solicitor, explained that the issue centred on whether it was appropriate to include conditions in a policy that were not enforceable under the legislation which established that policy. Mr. Terrett advised that he would make reference in the policy that the conditions were included as examples of good practice.

4. RESOLVED that:-

- (i) approval be given to the amendments to the draft sexual venues policy as recommended in paragraph 4.0 of the report;
- (ii) approval be given to the adoption of the draft sexual entertainment venue policy; and
- (iii) the policy be referred to full Council for final approval.

## **Local Government (Access to Information) (Variation) Order 2006**

5. RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered likely to include the disclosure of exempt information relating to an individual and the financial or business affairs of a particular person (including the Authority holding that information). (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1 and 3).

(Signed)      A. WILSON,  
Chairman.

### **Note:-**

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.

