



17 February 2023

LICENSING AND SAFETY COMMITTEE – 28 FEBRUARY 2023

A meeting of the Licensing and Safety Committee will be held at 6pm on Tuesday 28 February 2023 in the Council Chamber at the Town Hall, Rugby.

Mannie Ketley
Chief Executive

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes.

To confirm the minutes of the:

Licensing and Safety Committee held on 10 March 2022 and 19 May 2022;
Licensing Sub Committee (Alcohol and Regulated Entertainment) held on 5 April 2022; and
Licensing Sub Committee (General) held on 20 July 2022, 11 October 2022, 2 November 2022, 15 December 2022 and 18 January 2023.

2. Apologies.

To receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

4. Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be transacted.

Membership of the Committee: Councillors Mrs A'Barrow (Chairman), Douglas, Miss Dumbleton, Ellis, Mrs Garcia, Harrington, Mrs Roberts, Mrs Roodhouse, Srivastava, Mrs Timms, Ward and Dr Williams

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail Linn.Ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

Agenda No 4

AGENDA MANAGEMENT SHEET

Report Title:	Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
Name of Committee:	Licensing and Safety Committee
Date of Meeting:	28 February 2023
Report Director:	Chief Officer – Regulation and Safety
Portfolio:	Regulation and Safety
Ward Relevance:	All Wards
Prior Consultation:	Not Applicable
Contact Officer:	Emma Payne, Licensing Officer x3855
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	Yes
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input checked="" type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input checked="" type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input checked="" type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
Summary:	The report provides details of a proposal to adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Rugby.
Financial Implications:	No direct financial implications arising from this report.

Risk Management/Health and Safety Implications: There are no risk management implications arising from the adoption of Schedule 4.

Environmental Implications: There are no environmental implications arising from the adoption of Schedule 4.

Legal Implications: The Council is required to formally adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 prior to designating streets for the purposes of the street trading regime. This is a procedural step required as part of the Council's review of its street trading licensing review.

Equality and Diversity: None arising from this report.

Options:

1. Recommend to Council to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
2. Do not recommend to Council to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Recommendation: IT BE RECOMMENDED TO COUNCIL THAT Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 be adopted.

Reasons for Recommendation: Adoption of the Local Government (Miscellaneous Provisions) Act 1982 would enable the Council to undertake a review of its street trading licensing function and, if appropriate, introduce a Street Trading Policy giving greater control over street trading within the Borough.

Licensing and Safety Committee - 28 February 2023

Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

Public Report of the Chief Officer – Regulation and Safety

Recommendation

IT BE RECOMMENDED TO COUNCIL THAT Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 be adopted.

1. Introduction

- 1.1. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 contains provisions in relation to the regulation of street trading. Councils which have adopted Schedule 4 have the power to designate streets as prohibited, licence or consent streets.
- 1.2. It is not clear that Rugby Borough Council has formally adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in the past.

2. Proposal

- 2.1. It is proposed that the Council adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to enable a review of its street trading licensing function to be undertaken and, if appropriate, a Street Trading Policy to be introduced, including the designation of streets within the Borough as prohibited, licence or consent streets.
- 2.2. There is no statutory requirement within Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 to publish either a notice of intention to adopt Schedule 4, or to publish a notice of adoption after a resolution has been made. However it is proposed that, should Council make the recommended resolution, a notice of adoption will be published on the Council's website.

Name of Meeting: Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Date of Meeting: 28 February 2023

Subject Matter: Licensing and Safety Committee

Originating Department: Regulation and Safety

DO ANY BACKGROUND PAPERS APPLY **YES** **NO**

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A