

**Medway Council**  
**Meeting of Licensing and Safety Committee**  
**Wednesday, 2 September 2015**  
**6.00pm to 7.15pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

- Present:** Councillors: Bhutia, Bowler, Mrs Diane Chambers (Chairman), Carr (Vice-Chairman), Fearn, Godwin, Howard, Pendergast and Williams
- Substitutes:** Councillors:  
Maple (Substitute for McDonald)
- In Attendance:** Scott Elliott, Senior Public Health Manager  
James Flower, Substance Misuse Programme Manager  
Vicky Nutley, Planning and Licensing Lawyer  
Alison Poulson, Licensing and Local Land Charges Manager  
Stephen Platt, Democratic Services Officer

**276 Record of meeting**

The record of the meeting of the Committee held on 24 March 2015 and the Joint Meeting of Committees on 27 May 2015 were agreed as correct and signed by the Chairman.

**277 Apologies for absence**

Apologies for absence were received from Councillors Hall and McDonald.

**278 Urgent matters by reason of special circumstances**

There were none.

**279 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

There were none.

Other interests

There were none.

**280 Gambling Act 2005 - Review of Council Statement of Gambling Policy**

**Discussion:**

The Committee considered the revised version of the Council Statement of Gambling Policy which, under the Gambling Act 2005, was required to be reviewed every three years. At the meeting held on 25 March 2015, the Committee had resolved that relevant interested parties be consulted on the draft statement of policy and that the revised version be presented to a future meeting of the Committee for recommendation to Cabinet and Full Council for approval.

Members were advised that the draft statement of policy took into account the Gambling Commission's draft guidance to Licensing Authorities (5th Edition) consulted on earlier this year, but yet to be confirmed, that set out the principle guidance to local councils on gambling related matters. The drivers for the proposed amendments to the guidance were the need to:

- reflect recent changes to the social responsibility provisions within the licensing conditions and codes of practice;
- promote collaborative working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues;
- continue the positive partnership working between the Commission and licensing authorities; and
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statements of licensing policy.

It was noted that a consultation exercise had been undertaken during the period of 29 June 2015 to 14 August 2015. In addition, notices inviting comment had been placed in the press and copies of the document had been placed at all Council contact centres and offices and on the Council's website. In response to the consultation, a favourable response had been received from Coral. No responses had been received which required or requested any further amendments to the changes made to the document circulated for consultation.

With reference to section 15 of the draft statement of policy on betting premises, a Member of the Committee suggested that the sub-section on the Voluntary Partnership Agreement should clarify that the agreement was currently on a trial basis and would be extended to all of Medway if the results were favourable.

A Member expressed concern that betting machines were capable of accepting stakes of up to £100. It was agreed that it would be more appropriate for this to be discussed at the Business Support Overview and Scrutiny Committee, which would be considering the draft statement of policy prior to its referral to Cabinet and Council.

With reference to section 13 on casinos, Members discussed the reasons why a 'no casinos resolution' had not been passed in Medway. It was recognised that any application for a casino would be subject to the Council's planning process.

**Decision:**

That the draft Council Statement of Gambling Policy, together with the comments of the Licensing and Safety Committee, be referred to the Business Support Overview and Scrutiny Committee with a recommendation that it refers the revised policy to the Cabinet for endorsement and Council for approval in accordance with the policy framework rules.

**281 Street Trading Consent in the Vicinity of Schools**

**Discussion:**

The Committee considered a report setting out a proposal to develop a clear street trading policy for approval by Council in due course. The proposal arose from complaints made by Head Teachers concerning the siting of mobile ice cream vendors close to school premises, during discussions with staff in the Public Health Directorate. At one school a severe near miss with a pupil running into the road obscured by an ice cream van had led the school to take the action to bring the ice cream van onto school grounds to reduce road safety risk.

Members were advised that, under the Local Government (Miscellaneous provisions) Act 1982 anyone selling or exposing or offering for sale any article (including a living thing) in a street within Medway needed a street trading consent. Medway Council had two types of street, these being a prohibited street (where no street trading was allowed) and a consent street (where no street trading was allowed without consent). However, there was currently no policy concerning the granting of street trading consents. Medway Council had a commitment to reducing childhood obesity and improving dental health. This was accomplished in part, by supporting both schools and parents to promote healthy eating with their children and the siting of mobile food vendors in the vicinity of schools and on school premises was considered to undermine this aim.

Members views were therefore sought on the possibility of introducing a policy restricting where and when mobile food vendors could sell their products in the vicinity of schools. With reference to examples of such policies introduced by other local authorities, it was suggested that 'exclusion zones' of 800m might be introduced around schools between 1200 and 1600 hours. Roads which had schools on them may also be deemed prohibited streets.

Members raised a number of concerns about the proposal, as follows:

- The financial cost of operating a street trading policy would need to be established in order that the budgetary implications were clear.
- An 'exclusion zone' of 800m around schools could directly effect all areas of Medway. The restriction on hot food takeaways in the vicinity of schools was 400m and the two policies should be consistent.
- 'Exclusion zones' between the hours suggested would not cover after school activities.

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- Given the relatively small number of ice cream vans in Medway, was there a need to introduce such a policy based on one incident?
- Were the resources available for effective enforcement?
- If the siting of ice cream vans was restricted, people would simply use nearby retail outlets instead.
- There were other ways to tackle the issue of childhood obesity, for example restricting street trading on specific roads where schools were located. This could be more effective than a blanket policy which might be too restrictive to gain public support.
- An alternative more targeted approach would be to add a condition to a street trader's licence, if appropriate, regarding the siting of their vehicle.
- A blanket policy would not be workable from a health perspective. However, imposing additional conditions of licence would be effective in terms of road safety. Conditions could include a requirement to park responsibly in a safe place.

### **Decision:**

The Committee asked that officers:

1. Develop proposals for additional conditions to be applied to street trading licences to help ensure that traders operated safely in the vicinity of schools.
2. Report back to a future meeting of the Committee before consulting the trade on the proposals.

**Chairman**

**Date:**

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