Regulatory Committee

Notice of Meeting

Friday 9 December 2022

9.30 a.m.

Council Chamber
Elizabeth House
Church Street
Stratford-upon-Avon

This meeting can also be viewed via MS Teams here

Members of the Committee are requested to attend

Chairman: Councillor Christopher Mills

Vice-Chairman: Councillor Sarah Whalley-Hoggins

Councillors:

D Curtis
T Dixon
E Fitter
J Feilding
J Fojtik
J Fradgley
J Riley
N Rock
I Shenton

Nominated Substitutes:

Councillor P Hencher-Serafin and A Parry

David Buckland
Chief Executive
(Head of Paid Service)

Elizabeth House, Church Street
Stratford-upon-Avon CV37 6HX

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REGULATORY COMMITTEE

9 December 2022

AGENDA

1. Apologies for Absence

2. Disclosure of Interests

Members are reminded that, unless they have been granted a dispensation, if they have a Disclosable Pecuniary Interest in any matter as defined by Regulations made by the Secretary of State where the interest is theirs, their spouse's or civil partner's, or is an interest of somebody with whom they are living as a husband or wife or as if they were civil partners, they may not participate in any discussion of or vote on the matter and must also leave the room for the duration of the matter. They must also disclose the interest if it has not yet been entered on the Authority's register unless it is a sensitive interest.

3. Minutes **(Pages 1 - 4)**

To confirm and sign the Minutes from the meeting held on 7 October 2022.

4. Minutes of Sub Committees **(Pages 5 - 8)**

To note the Minutes from the Licensing Panels held on 12 and 26 October 2022.

5. Public Participation (Questions by the Public)

To receive questions from the public to the Committee Chairman, notice having been given in accordance with Committee Procedure Rule 13.

6. Councillor Questions

To receive any questions within the scope of the Committee which are not referred to in the Agenda, provided that written notice has been given as set out in Committee Procedure Rules.

7. Proposed Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground **(Pages 9 - 12)**

To consider a report to approve the proposed Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground.

8. Determination of Hackney Carriage Table of Fares following objections **(Pages 13 - 32)**

To consider a report that outlines the determination of Hackney Carriage Table of Fares following objections.

9. Environmental Health and Licensing Update **(Pages 33 - 40)**

To receive a report on Environmental Health and Licensing activity.

10. Urgent Business

To consider any business which, in the opinion of the Chairman, is urgent in accordance with the provisions of Section 100B (4) of the Local Government Act 1972.

11. Exclusion of the Public

The Chairman to move

> "That, pursuant to Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the remaining business of the meeting in view of the fact that the nature of the proceedings will be such that, if the public were present, there would likely be disclosure to them of exempt information under Paragraphs 5, 6 (a) and (b) of Part 1 of Schedule 12A to the said Act (as amended)".

12. Exempt Enforcement Cases- Verbal Update

CHIEF EXECUTIVE (HEAD OF PAID SERVICE)

Please note: *The next meeting of the Regulatory Committee is scheduled to take place on*
Friday 10 March 2023

REGULATORY COMMITTEE

7 October 2022

Held at Council Chamber, Elizabeth House, Church Street, Stratford-upon-Avon
Meeting commenced: 9.30 a.m. Meeting ended: 12.46 p.m.

MINUTES

Present: Councillor Christopher Mills (Chairman), Councillors S Whalley-Hoggins, D Curtis, T Dixon, J Feilding, J Fojtik, J Fradgley, J Riley, N Rock and I Shenton

283. Disclosure of Interests

In regard to Minute 294, Councillor Shenton disclosed that he was Portfolio Holder for Planning.

In regard to Minute 294, Councillors Shenton, Rock, Curtis, and Whalley-Hoggins disclosed that they had received email correspondence relating to application 20/00449/DESLB.

284. Minutes

The Minutes of the meeting held on 24 June 2022 were confirmed and signed.

285. 20/00449/DESLB - Enforcement Case - Legal Advice

The Monitoring Officer advised the Committee at this point to move into private session in order to ascertain whether Minute 294 should be considered in private or public session.

Thereafter, following a unanimous vote, it was

RESOLVED:

That Members take legal advice in private session.

The public meeting was adjourned at this juncture.

The public meeting resumed, and a vote was taken on a proposal to consider Minute 294 in private session. Thereafter, it was unanimously

RESOLVED:

That Minute 294 be discussed in private session.

286. Public Participation (Questions by the Public)

There were no questions received.

287. Councillor Questions

There were no questions received.

288. Proposal to increase Hackney Carriage Fare Tariffs

The Licensing Officer presented the report and associated Appendices and took a series of questions from the Committee. The Environmental Health and Licensing Manager added to the discussion that Stratford-on-Avon District Council had an Age Policy for Hackney Carriages in the District, which the Local Authorities listed in Appendix 6 did not have, and that came at a cost to the taxi drivers.

Having considered the report, associated Appendices and the update given by officers, a Motion to increase tariff rates by 30%, subject to public notice to allow consultation (noting that the public notice would not include mileage rates), was proposed by Councillor Dixon and seconded by Councillor Fielding.

Thereafter, by 8 votes in favour to 1 vote against, with 1 abstention, it was

RESOLVED:

That the Hackney Carriage fare tariff be increased by 30%, subject to public notice to allow consultation.

289. Environmental Health and Licensing Update

Officers addressed the meeting on their report which summarised the work of the Environmental Health and Licensing Service over the past few months and presented an update on current activity within the team.

The Environmental Health and Licensing Manager confirmed that food premises which had not been visited in recent years would receive an inspection before the end of March 2023.

It was noted that since the agenda report was published, the Council's website had been updated to include the Annual Air Quality Status Report. In addition, the air pollution data live feed was expected to be on the Council's website within the next few weeks.

The Environmental Health and Licensing Manager brought the Committee's attention to Pollution Prevention Control, in that there had been no visits carried out over this period, however he indicated that upcoming visits would be reflected in the next report.

It was brought to the Committee's attention outstanding invoices for licensed premises, that had not been included within the agenda report, and noted that the outstanding balance was down from £17,721 last year to just over £5,000.

The Environmental Health and Licensing Manager also updated Members on Avon Boating, in that they had acquired one of the first wheelchair accessible boats to be licensed in the country. Avon Boating were also on track to replace petrol motorboats with electric ones by the end of 2025.

Following which, it was

RESOLVED:

That the report be noted.

Councillor Fielding left the meeting at this juncture.

290. Enforcement Update

It was noted that if any individual case was to be discussed under this heading, the Chairman would be required to move to exclude the public from the meeting at that point.

The Planning Manager (Performance, Appeals and Enforcement) informed the meeting that the agenda report suggested a reduction in caseloads, however these figures did not include those cases that were initially reviewed and declined, therefore going forward, the figures would be amended to reflect this.

The Committee received an overview of the report including an update on progress of resolving outstanding enforcement cases and an update on formal action taken since the previous meeting.

The Head of Development answered concerns regarding enforcement staff shortages.

Accordingly, it was

RESOLVED:

That the report be noted.

Councillor J Fradgley left the meeting during this item.

291. Urgent Business

There were no items of urgent business.

292. Exclusion of the Public

On the motion of the Chairman, it was

RESOLVED:

That, pursuant to Section 100A (4) of the Local Government Act 1972 (as amended), the public be excluded from the remaining business of the meeting in view of the fact that the nature of the proceedings will be such that, if the public were present, there would likely be disclosure to them of exempt information under Paragraphs 5, 6 (a) and (b) of Part 1 of Schedule 12A to the said Act (as amended).

293. Enforcement Data - Exempt Appendices

The Planning Manager (Performance, Appeals and Enforcement) provided a response to questions raised on the exempt papers.

294. 20/00449/DESLB - Enforcement Case

The Case Officer presented the case, following which a Motion to proceed in accordance with the recommendation detailed in the exempt agenda report.

Thereafter, it was unanimously

RESOLVED:

That no enforcement action be taken at this time and a further report be presented to the Committee in six months.

CHAIRMAN

LICENSING PANEL

12 October 2022

Held at Council Chamber, Elizabeth House, Church Street, Stratford-upon-Avon
Meeting commenced: 11.30 a.m. Meeting ended: 1.04 p.m.

MINUTES

Present: Councillor Sarah Whalley-Hoggins (Chairman) Councillors J Feilding and E Fitter

310. Welcome and Reconstitution of Membership

The Chairman, in opening the meeting, welcomed all persons in attendance and introduced the Councillors and Officers of the Council.

311. Disclosure of Interests

None were received.

312. Application for a new Premises Licence for Compton Verney House, Compton Verney, Warwick CV35 9HZ

Consideration was given to a request for a new Premises Licence for Compton Verney House, Compton Verney, Warwick CV35 9HZ.

The Licensing Officer outlined the application as per the report. The options open to the Panel were:

1. To grant the licence subject to:

(a) the conditions mentioned in the operating schedule, which could be modified to such an extent as the Authority considers appropriate for the promotion of the licensing objectives;
(b) any condition which, under Section 19, 20 or 21 [the mandatory conditions], must be included in the licence;
(c) exclude from the scope of the licence any of the licensable activities to which the application relates; or

2. To reject the whole or part of the application.

At the invitation of the Chairman, representations were heard from:

- Mr Matt Stead, Licensing Consultant, on behalf of Compton Verney House Trust (Applicant);
- Geraldine Collinge (Chief Executive, Compton Verney);
- Matthew Horsfield (Compton Verney Events Manager);
- Paul Reid, Stratford-on-Avon District Council Environmental Health and Licensing Manager, on behalf of Ben Ellis - Stratford-on-Avon District Council Environmental Protection Officer (clarification points only);
- Ms Karen Martin, representing Mr Peter Manning – local resident/objector.

(Full details of the proceedings and the Notice of Decision can be found appended to these Minutes).

The Licensing Panel then adjourned to deliberate.

The Panel took into consideration all the written representations, the supporting information and the representations of all those who spoke at the Hearing.

The Licensing Panel acknowledged the concerns raised by Mr Manning. However, having considered the licence conditions initially proposed and the additional conditions agreed with the Applicant to address the representations made by the Council's Environmental Protection Officer, the Licensing Panel felt that the proposed conditions addressed or mitigated the concerns raised by Mr Manning.

In addition, the Licensing Panel was reassured by the engagement of the Applicant with Stratford-on-Avon District Council and local residents to attempt to resolve any issues of concern prior to, and during, the application process, and felt this approach was to be commended.

For these reasons, the Panel did consider that the application would promote the licensing objectives and decided to GRANT a new Premises Licence for Compton Verney House, Compton Verney, Warwick CV35 9HZ.

Thereafter, it was

RESOLVED:

That the application for a new Premises Licence for Compton Verney House, Compton Verney, Warwick CV35 9HZ be GRANTED.

A copy of the Record of Decision would be served on all relevant parties.

Note: Subject to Paragraph 1, Part 1, Schedule 5 of the Licensing Act 2003, the applicant had a right of appeal to the Magistrates' Court within 21 days of notification of this decision.

313. Urgent Business

There were no items of urgent business.

CHAIRMAN

STRATFORD-ON-AVON DISTRICT COUNCIL
LICENSING AUTHORITY

LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

RECORD OF DECISION

Name of premises/ club/individual:	Compton Verney House, Compton Verney, Warwick CV35 9HZ		
Premises Licence	☒	**Club Premises Certificate**	☐
Personal Licence	☐	**Temporary Event Notice**	☐
Grant	☐	**Variation**	☐
Provisional Statement	☐	**Review**	☐
Date(s) of hearing:	12th October 2022		
Licensing Panel members:	Councillor S Whalley-Hoggins (Chairperson) Councillor J Feilding Councillor E Fitter		
Administrator:	Ann Banks		
Legal Adviser:	Sue Mullins		
Licensing Officer:	Vikki Goodman		
Premises Licence Holder and Representative(s):	Compton Verney House Trust, represented by Mr Matt Stead, Licensing Consultant		
Responsible Authorities and their Representatives:	Stratford-on-Avon District Council, Environmental Protection – Mr Paul Reid, Environmental Health and Licensing Manager.		
Other Persons and their Representatives:	Mr Peter Manning, represented by Ms Karen Martin		
The Licensing Panel heard oral representations from the following persons:	Vikki Goodman Mr Stead, on behalf of Compton Verney House Trust Geraldine Collinge, Chief Executive of Compton Verney House Trust Mr Matthew Horsfield, Compton Verney Events		

	Manager Mr Paul Reid Ms Karen Martin, on behalf of Mr Peter Manning
The Licensing Panel has determined that the representation from the following person is not relevant:	N/a
Reason why the representation is not relevant:	N/a
The Licensing Panel has determined that the representation from the following person is frivolous/vexatious/ repetitious:	N/a
Reason why the representation is frivolous/vexatious/ repetitious:	N/a

The Licensing Panel has taken into account the Stratford-on-Avon District Council Statement of Licensing Policy and the Guidance issued under s182 of the Licensing Act 2003.

The Licensing Panel has decided to <u>depart</u> from the Stratford-on-Avon District Council Statement of Licensing Policy for the following reasons:

Paragraph(s): N/a

Reason(s):

The Licensing Panel has decided to <u>depart</u> from the Guidance issued under s182 of the Licensing Act 2003:

Paragraph(s): N/a

Reason(s):

Background

On 11th August 2022, Stratford-on-Avon District Council ('the Licensing Authority') received an application for a premises licence for Compton Verney House, Compton Verney, Warwick, CV35 9HZ ('the premises').

The premises currently hold a licence to sell alcohol and hold regulated entertainment, and has done so since 2005 when laws changed and licences became the jurisdiction of the Licensing Authority.

The current licence does not provide adequate cover for all the events at the premises and Compton Verney House Trust have been applying for individual premises licences for events at the premises that fall outside the current licence. This involves an application to the Licensing Authority, a notice on site and in a local newspaper, together with a 28-day consultation period. This is time-consuming and costly and it is felt that it would be preferable for the premises to hold one premises licence covering all the licensable activities at the premises.

The application seeks to increase the area in which the premises are able to have licensable activities, including all of the parkland, the chapel, the ground floor of the House, the Reception Centre and the external sculpture terrace on the first floor. The application seeks to allow the following licensable activities:

- Plays (both indoors and outdoors) Monday to Sunday 10:00 – 00:00 hrs
- Films (both indoors and outdoors) Monday to Sunday 10:00 – 23:00 hrs
- Live and Recorded Music (both indoors and outdoors) Monday to Sunday 10:00 – 00:00 hrs
- Performance of dance (both indoors and outdoors) Monday to Sunday 10:00 – 00:00 hrs
- Late night refreshment (indoors only) Monday to Sunday 23:00 – 00:00 hrs
- Sale of alcohol (both on and off the premises) - Monday to Sunday 10:00 – 00:00 hrs

The premises are situated between Wellesbourne and Kineton on the B4086.

1. Representations prior to the Hearing

1.1 The agenda papers included representations of objection made by Mr Ben Ellis, Stratford-on-Avon District Council Environmental Protection Officer. However, prior to the Hearing, the objection from Mr Ellis was withdrawn. An email dated 10th October 2022 from Mr Ellis to Mr Stead regarding the withdrawal of Mr Ellis' objection to the application following the agreement of a number of additional conditions with the applicant was circulated to the Panel members, responsible authorities, and representative of the objector.

1.2 The agenda papers included representations of objection made a local resident, Mr Peter Manning.

2. Representations at the Hearing

2.1 The Licensing Officer summarised the report.

2.2 Cllr Feilding asked for clarification on the location of the Orangery. The Licensing Officer referred to the plan of Compton Verney Main House (page 47 of the Agenda Papers). Cllr Feilding also asked where the cinema was and if this could be outdoors. The Licensing Officer confirmed that the cinema could be anywhere in the licensed area and that it could therefor be outdoors.

2.3 Cllr Whalley-Hoggins asked if the Coach House is a private residence. Mr Stead confirmed that it is a private residence, comprising of ten flats. Cllr Whalley-Hoggins asked if this is a normal type of application and if there were similar licences elsewhere in the District (e.g. Ragley Hall). The Licensing Officer confirmed that the type of application was quite normal, Ragley Hall being a similar type of licence. She confirmed that the licence boundaries have to be stipulated.

Applicant

2.4 Mr Matt Stead (MS) addressed the Panel. MS pointed out that the premises are currently licensed and is currently carrying out the licensable activities. However, not all of the activities are covered by the current premises licence and this puts the applicant in the position of incurring large costs in applying for TENs and other permissions. It was therefore thought to be best to seek a single licence, which would ensure that residents are protected through the conditions attached to the licence, which they aren't through the TENs process, and allow the applicant to plan further ahead, without uncertainty. MS said that the applicant wasn't looking to do anything at the premises that hadn't been done before.

2.5 MS said the conditions initially proposed by the applicant in making the application (pages 32-33 of the Agenda papers) were aimed at providing reassurance to residents. He said that the applicant did hold a meeting with residents before submitting the Application, to discuss their concerns and made residents aware of how and where to make representations on the application. MS felt that the conditions proposed provide significant protections for the public and those attending events at the premises. MS drew the Committee's attention to the withdrawal of the representations of the Environmental Protection Officer, following negotiation of additional conditions.

2.6 MS drew the Panel's attention to the distinction being made in the application between indoors and outdoors. He said that Mr Manning's objections mainly related to the outdoor area and concerns about being disturbed. MS pointed out to the Panel that there has only been one complaint to the Licensing Authority in the last 5 years, which he suggested was due to the responsible management of the premises by the Applicant.

2.7 MS highlighted that there are different times and conditions proposed for the indoor and outdoor areas (referring to page 33 of the Agenda papers): All licensable activities would cease outdoors at 2300 (including inside any

temporary structures) and all doors and windows would remain closed (except for access/egress) after 2230, which was earlier than the applicant could have suggested. MS was of the view that this was a measure that would reduce the impact on the local area. MS also pointed out that it is not unusual to have such a large area licensed but stressed that the applicant is not going in the direction of holding large music events, like those held at Ragley Hall, as this did not fit with the Compton Verney brand. It was to address this concern that the supplemental list of conditions were agreed with Mr Ellis

2.8 MS said that one of the reasons for seeking to license such a large area was to dilute the impact of events - licensing the whole of the area would allow activities to take place throughout the parkland at different places at different times. MS pointed out that a lot of the impact of events will be mitigated by the conditions agreed with Mr Ellis.

2.9 MS then spoke about the problems envisaged in Mr Manning's objection. He said that the applicant did attempt to alleviate these concerns at the residents' meeting. Mr Manning had suggested that the Licensing Authority should consider limiting the number of events that could take place at the premises. However, MS pointed out that it is difficult to define what is meant by an 'event' and that its better to define by way of the licensable activities.

2.10 As regards noise levels, MS indicated that although he wasn't a noise expert, 50 dB was about the level at which MS was speaking. MS also indicated that the applicant could point entertainment in directions that were away from residential properties.

2.11 MS then spoke about fireworks and confirmed that the applicant stopped using them some time ago and had no intention to carry on using fireworks, largely to comply with requests from residents. MS also suggested that the use of fireworks is not a licensable activity but that if the Panel were minded to impose a condition in respect of these, that there should be an exemption for Bonfire, New Year, Diwali and Chinese New Year.

2.12 MS referred to the trespass issue raised by Mr Manning and made the point that this is a civil matter and doesn't relate back to a licensable activity. The control of individuals on Mr Manning's property was beyond the control of staff at Compton Verney, particularly if the property boundaries aren't marked by a fence.

2.13 In terms of highways safety, MS suggested that this was beyond the scope of the application, save for very large events, when there would be a requirement to provide an event management plan.

2.14 MS then referred to concerns about wild swimming, which was not a licensable activity.

2.15 In response to Mr Manning's request for conditions to restrict and reduce the hours for events, MS pointed out that there are already appropriate restrictions and controls in the conditions. MS suggested that to restrict the licence further, without evidence, would be an inappropriate use of conditions.

2.16 Ms Geraldine Collinge ("GC"), the Chief Executive of the Applicant then spoke about the future scope of the premises. Ms Collinge said she was in her second week as Chief Executive, having worked at the RSC for 12 years before and having worked in the Arts and events for over 30 years. She said that her vision for Compton Verney was that it was important for it to be a venue that everyone could enjoy, being accessible for everybody, opening up art and making it accessible to everyone.

2.17 GC confirmed that the impetus behind application was to try and use staff time more effectively, providing certainty about what they were going to be doing. She confirmed that currently, the activity that happens is very much around the house. As the site is large, it was felt that the applicant could be using other areas more effectively and move activity away from residents and the house. GC also mentioned that the applicant is a small organization, with a small events team of 3 people. The car parking at Compton Verney will also

only accommodate 250 cars and that the premises were therefore limited by their facilities as well as their location. She stressed that the events team take care in planning events, including how to work with residents.

2.18 MS said that this concluded the applicant's evidence. In summary, he felt that the applicant had made a good effort to engage with residents and the environmental Protection team. The conditions agreed with Mr Ellis address the theoretical risks that the public might face. MS concluded by saying that the points raised in Mr Manning's representation that relate to the licensable activities are mitigated by the conditions put forward and agreed. MS reserved the right to speak again if anything new was raised.

2.19 Cllr Whalley-Hoggins queried whether the back lawn mentioned by MS was the West Lawn shown on the plans. MS confirmed that it was. Cllr Whalley-Hoggins asked whether granting the licence for the wider area would enable louder or special occasion events to be moved away from the West Lawn. MS replied that some events would be moved to Old Town Field to the north of the premises, allowing for dilution of activities. Cllr Whalley-Hoggins then asked what kinds of activities were held on the West Lawn, abutting The Orangery. Mr Horsfield ("MH") said that no events are held in this area because there is a path network cutting through the West Lawn that is a piece of art. He added that there was no intention to hold events there.

2.20 Cllr Fitter asked how the applicant would mitigate the noise nuisance from guests leaving the premises, when events finish at 23:00 but the public don't have to leave until 00:30. MS responded to say that there is always a risk of people creating noise nuisance at the end of the evening. This would be mitigated by the condition requiring the closing of doors and windows after 22:30 and by employing SIA registered security staff to assist in keeping the noise down. He also said that the applicant would not be averse to putting up notices asking quests to keep noise levels down when leaving the premises.

2.21 Cllr Feilding asked whether there was a noise limiting device within the indoor part of the premises. MS said that the applicant had been monitoring noise

from outside the premises using a noise monitoring devide and that no noise limiting device was installed inside the premises. If this was shown to be a problem, the applicant would consider any mitigation necessary.

2.22 Cllr Feilding then asked about the protection of young people near the lake. MS pointed out that the lake was not proposed to be the location for any activities. In any event, life-saving equipment was installed around the lake. Mr Paul Reid ("PR") added that this issue was dealt with by Health and Safety primary legislation, which was outside the scope of the licensing regime, and that the premises had a robust Health & Safety policy.

2.23 Cllr Fitter asked about the maximum capacity for a ticketed event. MH replied that most events are weddings of usually 100-150 people. Other than that, the premises have fairs, with approximately 500 visitors.

Environmental Protection

2.24 Mr Reid addressed the Panel to provide clarification only, as the representations of Mr Ellis had been withdrawn. PR clarified that 50 dB was relatively low and that he was probably speaking at about 60-65 dB. Given the area covered by the application, PR was of the view that, because the dispersal of noise with distance is great, there would be less of an impact on residents on the south side. He acknowledged that the topography of the premises can be problematic and that a degree of noise management would be needed moving forward. PR went on to say that he has worked with those running Compton Verney for 30 years and has always reached a suitable agreement with them through communication and cooperation, which was something he thought was important to acknowledge.

Objector

2.25 Ms Karen Martin ("KM") addressed the Panel. KM clarified that she was Mr Manning's daughter and was not qualified in licensing. There were a number of key points of objection from Mr Manning. The first was that the landscape at the premises is very open with no fencing anywhere. This is due to

covenants on the property titles preventing the erection of fencing. KM explained that The Orangery and all the other residential properties are meant to be viewed from the parkland area as part of the parkland.

2.26 A second key point of objection related to public nuisance and public safety. Mr Manning was concerned that the licence, if granted, would allow the applicant to host public events 365 days per year from 10:00 until 00:00 and that each event could have maximum capacity of 5000. KM pointed out that the current licence has limit of 2000. The sale of alcohol would be enabled from 10:00 – 00:00 inside and outside the house and, despite the operating hours, the premises would be open to public from 09:30 to 00:30. Mr Manning was concerned about noise levels from all events. Mr Manning felt that this could be exacerbated by the sale of alcohol. Noise was also a concern as the landscape is a natural bowl and noise within the events is amplified by this natural amphitheatre.

2.27 In terms of public safety, as the premises are a grade II listed parkland and Grade I listed building, Mr Manning was of the opinion that this environment is not appropriate for events up to 5000 people. This would create public safety issues in terms of traffic management, car parking, crowd management and the safe management of people through the site. As such, Mr Manning requested the Panel to consider limiting the number and nature of such event and that it retained the existing venue capacity limit of 2000. He also asked that the Panel considered restricting the final time for the holding of events and the sale of alcohol to 23:00.

2.28 In terms of the fencing and trespass issues identified, Mr Manning felt that it was the responsibility of the applicant to control people accessing their events. There is no delineation between the land of private residents and the parkland.

2.29 KM said that there is a limit of 250 cars for the car parking at the premises although the applicant does utilise a farm to the north of the parkland when they require further car parking facilities. KM referred to the number of

complaints and said that this may be explained because most residents use the process of residents' meetings rather than the formal channels to the local authority when they have an issue.

Final comments

2.30 Cllr Whalley-Hoggins said that she understood the 'no fence' policy and asked whether signs could be put up to inform visitors that land was private. MH said that signage is in place. He added that there is CCTV across the whole site monitored by security whenever the premises are open.

2.31 Cllr Whalley-Hoggins asked whether the 250 car park spaces referred to included the overflow. MH replied that there are 250 spaces in the main car park. GC added that the overflow car park was used, for example, as part of an event with Coventry City of Culture. The car parking in the additional field increased capacity, but there were no facilities there and the walk down to the premises was dark. She stated that it was an occasional use for occasional events.

2.32 Cllr Feilding asked if the car parking to the house was lit. MH replied that floor lighting had recently been installed in the tarmac surface.

2.33 MS said that there were no plans to have the 5000 people mentioned by Mr Manning visiting the site. In any event, the use of such limits were, he felt, arbitrary and that the numbers quoted relate to audience limits for large events defined within the Licensing Act. For the Panel to seek to impose a restriction on numbers without an evidential basis would, in MS' opinion, be unreasonable. MS added that the limit on the numbers of visitors would be determined by the health and safety requirements in connection with the planning of each event.

2.34 Cllr Feilding asked whether ticketed events have a limited number of tickets available and whether this would be used to have some control over visitor numbers. MS acknowledged that it would but that this was not the way this or other art galleries operated. The applicant would have a reasonable

expectation of how many people would come to an event because they know their audience. He added that 5000 people is an appropriate limit for this type of licence and that most pub licences will not have a limit on numbers. MS pointed out that large events will require an event management plan and the detailed plans would go through the safety advisory group route during the planning of the event. PR added at this point that he is the Chair of the Safety Advisory Group meeting. The Group would not only look at car parking but would also look at the audience profile. For these premises, the audience is historically more respectful of the environment and surrounding nature. Events with a larger number of visitors anticipated would need to go to the Safety Advisory Group, where traffic, audience profile and Health & Safety would be considered. In response to a query from Cllr Feilding about the need for larger events to come to the Safety Advisory Group, PR said that a condition had been agreed with the applicant to this effect.

2.35 Cllr Whalley-Hoggins asked if people could buy food and drink inside and then take it outside to the terrace. MS confirmed that they could.

3. The decision

3.1 The Licensing Panel has taken note of all of the written representations made in respect of the application and has listened to all those who have spoken at the Hearing. The Panel has also taken into account all supporting documentation provided.

3.2 The Licensing Panel acknowledged the concerns raised by Mr Manning. However, having considered the licence conditions initially proposed and the additional conditions agreed with the applicant to address the representations made by Mr Ellis, the Licensing Panel felt that the proposed conditions addressed or mitigated the concerns raised by Mr Manning.

3.3 In addition, the Licensing Panel was reassured by the engagement of the applicant with Stratford-on-Avon District Council and local residents to

attempt to resolve any issues of concern prior to and during the application process and felt this approach was to be commended.

3.4 For these reasons, the Licensing Panel does consider that the application would promote the licensing objectives and they have therefore decided to grant the application.

A copy of this Record of Decision will be served on all relevant parties.

Subject to Paragraph 1, Part 1, Schedule 5 of the Licensing Act 2003, the applicant has a right of appeal to the Magistrates' Court within 21 days of notification of this decision.

Any communications regarding this decision should be addressed to:
Head of Law and Governance, Stratford-on-Avon District Council, Legal Services, Elizabeth House, Church Street, Stratford-upon-Avon CV37 6HX.

Cllr Sarah Whalley-Hoggins (Chairperson)
12th October 2022

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LICENSING PANEL

26 October 2022

Held at Council Chamber, Elizabeth House, Church Street, Stratford-upon-Avon
Meeting commenced: 9.35 a.m. Meeting ended: 12.00 p.m.

MINUTES

Present: Councillor Sarah Whalley-Hoggins (Chairman) Councillors D Curtis and E Fitter

350. Welcome and Reconstitution of Membership

The Chairman, in opening the meeting, welcomed all persons in attendance and introduced the Councillors and Officers of the Council.

351. Disclosure of Interests

Councillor Curtis disclosed that he was a Town Councillor for Stratford-upon-Avon, however, indicated that he had come to the meeting with an open mind and would partake in the deliberation of the application.

Note: At this point the meeting was adjourned to allow Members to read the additional documents submitted, subsequent to the publishing of the agenda, in detail.

352. Application for a Street Trading Consent: Special Event/Market

Consideration was given to an application from LSD Promotions for a Street Trading Consent to hold a 'Winter Street Market' on Waterside, Stratford-upon-Avon, on various dates in January 2023 through to March 2023.

The Licensing Officer outlined the application as per the report. The options available to the Panel were to:

a) Grant the application subject to such conditions as the Panel considered reasonably necessary; or

b) Refuse the application.

At the invitation of the Chairman, representations were heard from:

- Mr Anthony Riddell - Stratford-on-Avon District Council Licensing Officer;
- Mr Rob Edge and Mr Dermot McGillicuddy - LSD Promotions (applicant);
- Mr Andrew Rothwell representing Ms Alison Halford (objector); and
- Mr Craig Bourne, Stratford-on-Avon District Council Environmental and Neighbourhood Services Manager

(Full details of the proceedings and the Notice of Decision can be found appended to these Minutes).

The Licensing Panel then adjourned to deliberate.

The Licensing Panel considered all the written representations, the supporting information made in respect of the application for a street trading consent, including the supplementary documents submitted, and listened to all those who spoke at the Hearing.

The Panel had no concerns about Public Safety and Public Order, or the appearance of the market. The application had, however, lacked information regarding the commodities proposed to be traded and the locations of other street traders and outlets trading in similar commodities to those proposed, within a half a mile radius of the site.

Therefore, on balance, due to the lack of information in the application on the need for additional market days on Waterside, as required by the Council's adopted street trading policy, the Panel decided to refuse the application.

Accordingly, it was

RESOLVED:

That the application for a Street Trading Consent to hold a 'Winter Street Market' on Waterside, Stratford-upon-Avon on various dates in January 2023 through to March 2023, be REFUSED.

A copy of the Record of Decision would be served on all relevant parties.

Note: subject to Paragraph 2, Part 1, Schedule 5 of the Licensing Act 2003, a person who made relevant representations has a right of appeal to the Magistrates' Court within 21 days of notification of this decision.

353. Urgent Business

There were no items of urgent business.

CHAIRMAN

STRATFORD-ON-AVON DISTRICT COUNCIL

LICENSING AUTHORITY

SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR A STREET TRADING CONSENT

RECORD OF DECISION

Name of Applicant and Representative(s):	Mr Tadhg McGillicuddy of LSD Promotions (Stratford) Ltd represented by Mr Rob Edge.
Date(s) of hearing:	26th October 2022
Licensing Panel Members:	Cllr S Whalley-Hoggins (Chairperson) Cllr D Curtis Cllr E Fitter
Administrator:	Liz Jaworska
Legal Adviser:	Ross Chambers
Licensing Officer:	Anthony Riddell
Objectors and Representative(s):	Ms Alison Halford represented by Mr Andrew Rothwell
The Licensing Panel heard oral representations from the following persons:	Mr Andrew Rothwell Mr Rob Edge; Mr Dermot McGillicuddy Mr Anthony Riddell Mr Craig Bourne, Environmental & Operational Services Manager, Stratford on Avon District Council

Background

LSD Promotions (Stratford) Ltd ("the Applicant) has applied for a street trading consent to hold the Waterside Winter Upmarket on ten consecutive Sundays between 15/1/23 and 19/3/23 between 10:00 and 16:00. The Applicant brought winter markets to Bridge Street in Jan, Feb and March 2022 but considers that trading is more lucrative on Waterside and less impactful to the town than Bridge Street in relation to taxi rank moves and the grit lorry. The Applicant says that town centre businesses benefitted from the increase in footfall during the harder winter months.

Alison Halford on behalf of a number of town centre businesses objected to the application on the following grounds (this is a summary; the full representation is contained in the agenda pack):

- The Stratford Benchmarking Report shows that 61% of businesses within the Stratford upon Avon Bid member area state that markets were a negative aspect of trading in the town, against a national average of 5%.

- A Stratford upon Avon Bid survey in March/April 2021 shows support for the Friday and Saturday markets in Rother Street however markets on Waterside have a negative impact on trade in the town.
- Stratford Benchmarking report shows that footfall in Henley Street is lower on market days than non-market days.
- Waterside is unsuitable for a market at any time of the year. It is unsightly and detracts from the free open space, natural views of the canal and riverside, the Bancroft Gardens, and the world famous RSC.
- There is evidence of chemical cleaning agents that endanger the local waterways and wildlife. There is run off from the process of cleaning oil and grease residue.
- Evidence of damage to the paving area used by food stalls.
- Markets growing in size, frequency and variety of locations
- Concerns about the growth and frequency of markets against the interests of local businesses because of close relationship between the Bid Board, Stratford District Council and LSD Promotions.

In a response to the objection, the Applicant stated that the Winter Markets in 2022 generated an increase in footfall to the town on Sundays and town centre businesses will have benefitted from the increase in footfall during the harder months. The market traders who can't normally trade in the town during the winter further benefitted. The winter markets provide employment to local people from Stratford upon Avon who may not have much work between January and March. The Council benefits from the parking income and the street trading fee of approximately £4,000.

The Applicant's submission further states that the data provided by Alison Halford is out of date or inappropriate because there have been no markets on Henley Street since 2017 (except the Victorian market) and Henley Street is not an accurate/appropriate comparison to Waterside. Some of the businesses objecting do not open their premises on a Sunday during the winter months, meaning the Winter Market has zero impact on their business. There is no evidence to support the statement that the market has a negative effect on Bid members. The objection is clearly only aimed to restrict competition. Local councils' activities as regulators should not lead to a distortion of competition.

The Applicant also submitted a letter dated 20/10/22 from Rob Edge, director of Licence Leader Ltd. This states that the Chief Executive of the National Market Traders Federation, Joe Harrison, has given his full support to the street trading consent for the Winter Markets on Waterside. The letter goes on to state that members of the Federation have strongly indicated they would like to attend the winter markets in 2023 and that the traders are in the "build back" process following restrictions being lifted after the pandemic. They feel it is crucial that small businesses are provided with this platform to enable them to earn an income during this unprecedented cost of living crisis.

A further representation was received from the objector making, in summary, the following points:

- The application is for a category 3 event, between 50 and 75 traders, but the plan shows 93 stalls which is a category 4 event.
- Some of the stalls are on land owned by the Canal and Riverside Trust.
- Bid did not support the application. They were neutral about it.
- No evidence submitted to support the statement that trading is more lucrative on Waterside.
- No evidence that the Winter Markets in 2022 saw a considerable increase in footfall to the town on Sundays.
- No evidence that town centre businesses benefited from an increase in footfall.
- Casts doubt on the number of towns LSD Promotions say they operate markets in.

- Consider the solution should be to simply have all markets on Rother Street except annual events such as the food festival and Christmas market.

The Hearing

The Licensing Panel heard from the Licensing Officer who introduced the application and read out his report. The Licensing Officer noted that Warwickshire Police, Warwickshire County Council Highways, SDC Street Scene, SDC Planning and SDC Environmental Health were consulted on the application, and they had no objections. The Licensing Officer confirmed that an amended site layout plan and been submitted and that 75 market stalls are proposed.

The Legal Officer referred the Panel to the Council's Street Trading and Collections Policy, referred to in the Licensing Officer's report, and the Council's Licensing Policy in respect of Commercial Markets, adopted by Cabinet in 2018.

Mr Rothwell on behalf of the objectors read out his representation. Cllr Curtis asked if there was evidence of chemical cleaning agents entering the waterways, in terms of independent analysis. Mr Rothwell said no but that he could see it. Mr Rothwell said he didn't think it could be oil from motorbikes on Waterside.

Mr Bourne said that pursuant to the contract with LSD promotions, LSD must clean up after the markets and remove all rubbish and there are on-site precautions to prevent drainage issues. Mr Bourne said that the substance on the photographs looks like normal suds and water. He said the Council have received no complaints about oil spillages into the Avon and he has received no comments about the matter from Biffa who carry out street cleansing operations for the Council.

Mr Edge, on behalf of the Applicant, read out his representation. Addressing the cleaning fluids issue, he said that the traders use a product called "lemon floor gel" which is plant-based, non-toxic and non-flammable. It was specifically researched because of the close proximity to the canal.

Mr Edge reminded the Panel that no consultee had deemed it necessary to object to the application. Mr Edge said that the 61% of traders who said that the markets were a negative aspect would say that because the market is competition. It is a free market economy. Mr Edge said that any environmental damage to paving would have been picked up by street scene or highways. LSD have been fully compliant with the markets contract and have reduced the number of days at the request of the Council. LSD have accommodated a requirement to close at 4PM for this year's Winter Market and move to Waterside during road works on Bridge Street. Mr Edge re-iterated the point that the objections were due to a fear of competition. This is a market town and competition is good for the general public. Mr Edge clarified that LSD have in the past operated in some 30 towns and continue to operate in many of them. They have received several national awards.

Cllr Whalley-Hoggins asked whether the Applicant had provided a map of other street traders and outlets trading in similar commodities to those proposed, as per paragraph 6(4) of the Council's adopted Street Trading Policy. Mr Edge confirmed that such a map had not been provided. He said that this is an application for a market, which is slightly different to an application from a lone street trader e.g., on an application from someone wanting to trade in electrical goods the Council might want to know if there is a requirement in the area for another electrical goods trader.

Cllr Whalley-Hoggins asked if there is a need for this market for 10 consecutive Sundays? Mr Edge said he believes there was demand this year and all the traders said they would be happy to return.

Mr McGillicuddy said that he wasn't aware of the requirement to submit a map of other traders and outlets. Feedback was that this year's winter market was positive for the town. Footfall is at its lowest in winter, so it is good for the town.

Cllr Fitter asked whether any other towns have winter markets and what the feedback was. Mr McGillicuddy said very few markets go through street trading legislation. Most markets are approved through a contract, although this proposal is outside the contract. He has not come across a situation before of needing to prove need.

In relation to the issue of whether there have been markets in Henley Street since 2017, it was clarified that part of the Victorian Christmas market takes place on Henley Street.

Cllr Curtis asked how many jobs the market provides for local people. Mr McGillicuddy said LSD and the market traders employ local people, but he doesn't have any figures. Cllr Curtis asked if there is any evidence of the town centre benefitting from the market. Mr McGillicuddy said he has heard positive feedback but hasn't carried out a survey.

Cllr Curtis asked if the Applicant could clarify the statement about the Bid supporting the application. Mr McGillicuddy said that he is a Bid member and is fully aware that the Bid voted to remain neutral. Cllr Whalley-Hoggins said she is discomforted by the statement in the application that the Bid support the application.

Mr Bourne clarified that the 10 market days applied for are in addition to the 43 days on Waterside agreed in the market contract. Mr Bourne said it is a locational change rather than an increase in market days because the market will transfer from Bridge Street. Mr Edge and Mr McGillicuddy said that the Highway authority prefers Waterside because you don't have to close the road to traffic on Waterside.

The Panel asked whether anyone wanted to make a final statement. Mr Rothwell said they are not objecting to markets. They want the best for Stratford and for the businesses to grow. Having traders on Waterside is not supported. The markets should be on the market square in Rother Street. The RSC should be protected and there shouldn't be a market detracting from the pleasure of viewing Bancroft Gardens and the RSC. The objectors still want the markets to thrive as it is a market town.

Mr Edge confirmed he did not want to make a final statement.

The Decision

The Licensing Panel has taken note of all the written representations and supporting information made in respect of this application for a street trading consent, including the supplementary documents submitted, and have listened to all those who have spoken at the hearing.

The Licensing Panel has taken into account Stratford-on-Avon District Council Street Trading and Collections Policy, the Licensing Policy in respect of Commercial Markets and has considered the provisions of Schedule 4 Local Government (Miscellaneous Provisions Act) 1982.

In formulating a decision, the Panel worked through the criteria in paragraph 6 of the Council's adopted Street Trading Policy: "Considerations to be taken into account by the Licensing Panel when determining Street Trading Consents".

In terms of Public Safety and Public Order, the Panel had no concerns about the proposal. In terms of the avoidance of public nuisance, the Panel noted the concern of the objector in relation to potential discharge of substances into the waterways but were satisfied that the Council's contract with LSD would ensure safe clean-up operations and noted that there had been no objection from environmental health.

Turning to the needs of the area, the Policy states that the Panel will consider the demand for the articles for sale and the geographical location of the proposed site. The Panel noted that no map had been provided by the Applicant indicating the locations of other street traders and outlets trading in

similar commodities to those proposed within a half a mile radius of the site. The Panel noted that the Policy states that "the Licensing Panel will always consider the sufficiency of other trading outlets to serve the needs of the area. A new consent is unlikely to be granted where the Licensing Panel consider that adequate like provision already exist".

Very little information was submitted about the commodities proposed to be traded and whether similar commodities are already being traded in the locality. The Panel, therefore, found it extremely difficult to assess the question in the Policy about the needs of the area and whether there is a need for 10 additional market days on Waterside. The only evidence the Panel heard on the point was anecdotal evidence from the Applicant that there was demand this year and the traders would be happy to return. The Panel noted that if the application were granted it would amount to 53 days of markets on Waterside in a year, about one a week on average, which the Panel considered to be potentially excessive. Fundamentally, the Panel felt that the application was lacking in relation to the question of need and noted that the Applicant would be free to make another application that addresses this part of the Policy.

In terms of other considerations, the Panel recognise the importance of markets generally to the local economy and that Stratford is a market town and that markets already take place on Waterside. However, they must judge an application for a street trading consent on its own merits.

In terms of the proposed market being "unsightly" or spoiling views of the Bancroft or the RSC as alleged by the objector, the Panel did not agree that this was the case and noted that the RSC had not commented on the application.

In terms of whether a market on Waterside has a positive or negative impact on town centre trade, the Panel felt the evidence was inconclusive. The Panel noted the Applicant's anecdotal evidence that the market increased footfall into the town centre during the harder winter months but also noted some comments from business owners in the March/April 2021 Bid survey that markets on Waterside have a negative impact on the town centre because they draw people away from the heart of the town. Conversely, there were other comments in the survey to the effect that markets generally attract people to the town.

The Panel noted that having a market on Waterside instead of Bridge Street could result in fewer road closures, which could be beneficial for the town.

On balance, due to the lack of information in the application on the need for additional market days on Waterside, as required by the Council's adopted street trading policy, the Panel decided to refuse the application.

A copy of this Record of Decision will be served on all relevant parties.

Under Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 there is no statutory right of appeal against this decision.

Any communications regarding this decision should be addressed to :

Mr R. Chambers, Solicitor, Stratford-on-Avon District Council, Legal Services, Elizabeth House, Church Street, Stratford-upon-Avon CV37 6HX.

Councillor Sarah Whalley-Hoggins (Chairperson)

Dated …….

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Regulatory Committee

9 December 2022

Title:	**The proposed Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground**
Lead Officer:	**Julie Lewis (01789 267575)/ Macer Nash (01789 260206)**
Portfolio Holder/ Lead Member:	**Councillor Bill Fleming**

Summary

At its meeting held on 24 June 2022, the Regulatory Committee resolved to approve the proposed Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground, subject to allowing 28 days from publicising such notice for any written representations to be made by the general public, and to enable the Council to consider those before formally making the Byelaw.

Following publication of the notice, no written representations were received within the 28 day period.

Recommendation to Council

That the making of the Byelaw, without modification, for The Bancroft Gardens, The Tramway and The Recreation Ground be approved.

1 Background

1.1 By resolution on 28 January 2022, the Regulatory Committee resolved (Minute 526 2021/22 refers) that the proposed Byelaw be approved and referred to the Secretary of State (SOS) for leave to permit the Council to make the proposed Byelaw.

1.2 In accordance with Regulation 6 of The Byelaws (Alternative procedure) (England) Regulations 2016 ("the Regulations"), the Council applied to the SOS for such leave on 11 February 2022.

1.3 In accordance with Regulation 7(2)(a), the SOS, by way of letter dated 11 May 2022, gave leave to the Council to make the proposed Byelaw. The SOS's involvement in the making of the proposed Byelaw has now ceased.

1.4 At its meeting held on 24 June 2022, the Regulatory Committee resolved (Minute 100 2022/23 refers) to approve the proposed Byelaw and to publicise the proposal, giving 28 days from the notice for any written representations to be made by the general public, thereby satisfying Regulation 8 of the Regulations.

1.5 Where the Council had received any written representation within the period specified in the notice under Regulation 8 of the Regulations, in accordance with Regulation 9 of the Regulations, consideration had to be

given to these before making a decision. No written representations were received within the 28 day publication period.

1.6 In view of no written representations being received, and in accordance with Regulation 10 of the Regulations, no later than six months after the expiration of the period specified in the notice published under Regulation 8, namely 26 August 2022, the Council must decide (a) to make the proposed Byelaw without modification or (b) make the proposed Byelaw with minor modification or (c) not to make the proposed Byelaw, taking into consideration the guidance on Regulation 10 as set out in paragraphs 4.1.3 and 4.1.4 below.

2 Options available to the Regulatory Committee

2.1 To recommend the making of the Byelaw without modification for The Bancroft Gardens, The Tramway and The Recreation Ground;

2.2 To recommend the making of the proposed Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground, with minor modification; or

2.3 Not recommend the making the Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground.

3 Consultation and Members' comments

3.1 Not applicable.

4 Implications of the proposal

4.1 ***Legal/Human Rights Implications***

4.1.1 In accordance with Regulation 9 of the Regulations, where the Council receives any written representations within the period specified in the notice published under Regulation 8 of the Regulations, it must consider them before making any decision in accordance with Regulation 10 of the Regulations.

4.1.2 In accordance with Regulation 10 of the Regulations, no later than six months after the expiration of the period specified in the notice published under Regulation 8 (namely 26 August 2022), and following consideration of any representations under Regulation 9 (Regulations 8 and 9 of the Regulations), the Council must decide (a) to make the proposed Byelaw without modification or (b) make the proposed Byelaw with minor modification or (c) not to make the proposed Byelaw.

4.1.3 Note: a minor modification to a proposed Byelaw is where it does not bring any new activity into the scope of the proposed Byelaw or increase the scope of any prohibition or restriction of an activity.

4.1.4 Where the Council decides that a more than minor modification is required to the proposed Byelaw, it is essentially making a major modification and thereby creating a new Byelaw, which requires the Byelaw process to recommence.

4.1.5 The Byelaw, under Regulation 11, must be made under common seal of the Council. If no date on which it comes into force is specified, it comes into force on the thirtieth day after that on which it is made.

4.1.6 Regulation 12 refers to matters relating to publicity on the Council's website, depositing copies at the Council offices, placing on land to which the Byelaw applies and sending copies (to relevant bodies) of the Byelaw after it is made, but not less than seven days before the Byelaw comes into force.

4.2 ***Financial***

4.2.1 There will be modest costs in the exercise of reviewing the existing and proposed Byelaw. This is not, however, expected to be significant and will be accommodated within existing budgets.

4.2.2 When the review of the Byelaws is complete, there may be a resourcing issue with regard to the enforcement of the proposed Byelaw. However, as the proposed Byelaw is generally replicating current management control on the said areas, it is considered that this may be of a minimal cost, if any.

4.3 ***Council Plan***

4.3.1 The proposed Byelaw meets a number of objectives such as enhancing Stratford-upon-Avon as a place and putting residents and communities centre stage.

4.4 ***Environmental***

4.4.1 As the proposed Byelaw is more relevant to modern social practice, this should improve the environment in and around the vicinity of the proposed Byelaw area.

4.5 ***Analysis of the effects on Equality***

4.5.1 The proposed Byelaw is more reflective of a modern society and should have a positive effect on equality.

4.6 ***Data Protection***

4.6.1 There are no data protection implications and a data protection impact assessment is, therefore, not required.

4.7 ***Health and Wellbeing***

4.7.1 The proposed Byelaw is for the effective management of a pleasure ground, open space and walks, to enable all to use the three grounds for the purposes of health and wellbeing.

5 Risk Assessment

5.1 The Byelaws for The Bancroft Gardens, The Tramway and The Recreation Ground need to be updated, to ensure the effective management of these areas.

5.2 If the Council wishes to make the Byelaw, it must do so no later than six months of 26 August 2022 (clarification as set out in the Legal/Human Rights section above).

6 Conclusion

6.1 At its meeting held on 24 June 2022, the Regulatory Committee resolved (Minute 100 2022/23 refers) to approve the proposed Byelaw for The Bancroft Gardens, The Tramway and The Recreation Ground, subject to notice of the proposal giving the required 28 days for any written representation process. There have been no adverse comments received, therefore it is recommended to Council that the Byelaw be approved without modification.

Julie Lewis

HEAD OF COMMUNITY AND OPERATIONAL SERVICES

Background papers:

None

Regulatory Committee

9 December 2022

Title:	**Determination of Hackney Carriage Table of Fares following objections**
Lead Officer:	**Rachel Gray (01789 267575)**
Portfolio Holder/ Lead Member:	**Councillor C Kettle**

Summary

Following the meeting of the Regulatory Committee on 7 October 2022, it was resolved that the Hackney Carriage fare tariff be increased by 30%, subject to the public notice to allow consultation.

A Public Notice was issued on 3 November 2022 with a 14-day consultation period, which ended 16 November 2022.

Twenty-four objections were received from Stratford-on-Avon District Council licensed taxi drivers. One petition from a local taxi company accounted for thirteen of these objections.

Any request for change has to be from the majority of the taxi trade. The 30% increase was based on the majority of the trade (35% response rate) requesting this for tariffs T1, T2 and T3. Only 4% responding requested an increase in the mileage charge, which is not a majority of the taxi trade.

Recommendations

(1) That the Regulatory Committee consider the information contained in this report and decide whether to modify the table of fares in light of the objections in relation to tariffs 1, 2 and 3; and

(2) That the Regulatory Committee consider, in light of the objections received, whether or not to seek further clarification from the trade on the increase in the mileage rate being requested and to carry out a new consultation.

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1 Background/Information

1.1 In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority may fix and vary the rates of fares within its District in connection with the hire of a Hackney Carriage. However, prior to bringing into force any changes, the Local Authority must publicise its proposals in the local press for a period of 14 days to allow for any objections.

1.2 The current tariff was last reviewed and introduced in June 2014. Following a number of independent requests, and in a bid to assist drivers who currently do not have a taxi association supported by the majority of the trade, two surveys were conducted with all 145 taxi drivers licensed

by Stratford-on-Avon District Council. As the response showed that the majority of the trade were in favour of an increase, a further survey was conducted to ascertain the level of increase. As a result, a report was presented to the Regulatory Committee.

1.3 The charges made by vehicles for Hackney Carriages are fixed by the Local Authority, in accordance with legislation, and are set by law into a table of fares. These charges may not be exceeded when a journey ends within the Stratford-on-Avon District.

1.4 A Public Notice was issued and displayed for a period of 14 days from 3 November 2022 on the Council's website, in the reception area of Elizabeth House and in the local press. During this period the Licensing Department received twenty-four objections. These objections are shown at **Appendix 1**.

1.5 Whilst 98% of the trade, when originally surveyed, stated that they wanted an increase, only 4% stated that they wanted an increase on the mileage charge. From **Appendix 2** (to follow) it is not clear from the majority of the objections what level of increase for the mileage charge is being requested, so clarification has been sought from the trade. **Appendix 2** will be forwarded to the Regulatory Committee once drivers have indicated what level of mileage charge they propose, following a short consultation email sent.

1.6 A further email was sent to all drivers again on 9 August 2022, asking them to indicate what percentage increase they would prefer, moving forward. Drivers were given 21 days to respond. This was accompanied with a table that showed 5% incremental increases on the flag down rate only.

1.7 Only 35% of drivers responded, with the majority who did respond indicating that they wanted a 30% increase.

1.8 This was reported to the Regulatory Committee on 7 October 2022. The Committee resolved, in light of the views of the trade, to carry out a public consultation on a 30% increase in the flag down rate only.

1.9 At this point, no communication was received from any drivers to query the mileage charge, or any other charges contained in the current table of fares.

1.10 **Appendix 3** (to follow) shows the comparable mileage rates with other local authorities. Once the relevant proposals have been received from the drivers emailed this will be forwarded to the Committee.

2 Options available to the Regulatory Committee

2.1 Following the public consultation agreed at the last Regulatory Committee meeting, the Committee can accept the objections and modify the table of fares in respect of tariffs T1, T2 and T3, or it can decide not to modify the table of fares.

2.2 As there has been no public consultation on a proposed increase in the mileage charge, the Regulatory Committee can also decide whether to commence a new consultation for a proposed increase to the mileage charge. The outcome of that consultation could then be considered at a future Regulatory Committee meeting.

3 Evidence Base

3.1 The report contains Appendices which show the objections received by drivers, and the comparison tables which should be taken into consideration when making a decision.

4 Consultation and Members' comments

4.1 From the consultation carried out previously, it was recommended that alongside a fare increase, a regular review of fare increases to be determined by the Regulatory Committee.

5 Implications of the proposal

5.1 ***Legal/Human Rights Implications***

5.1.1 Local Government (Miscellaneous Provisions) Act 1976:

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 states:

a) A District Council may fix the rates or fares within the District as well for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle; to be paid in respect of the hire of a Hackney Carriage by means of a table (hereafter in this section referred to as a table of fares) made or varied in accordance with the provisions of this section.

b) When a District Council make or vary a table of fares, they shall publish in at least one newspaper circulating in the District, a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of first publication of the notice, within which and the manner in which objections to the table of fares can be made.

5.1.2 In exercising discretion, the Regulatory Committee must have regard to relevant matters and disregard irrelevant matters.

5.1.3 Section 6 of the Human Rights Act states that a public Authority cannot act in any way, which is incompatible with a convention right. The potentially relevant convention rights are the right to a fair hearing and the right to peaceful enjoyment of possessions. The economic interests connected with the exploitation of a Hackney Carriage vehicle licence may be deemed to be a 'possession' and the fixing of fares that may be charged may impact on the 'peaceful enjoyment' thereof. A public Authority can control the use of a licence (e.g. by the way of a table of fares) in accordance with the general interest. In general terms, every decision of the local authority must be viewed in light of the Act and the European Convention on Human Rights.

5.1.4 There is no statutory right of appeal against the fares once set.

5.2 ***Financial***

5.2.1 There are no financial implications for Stratford-on-Avon District Council.

5.2.2 If another public consultation is agreed, there will be a cost to advertising the proposed table of fares. This will be met from existing budgets.

5.3 ***Council Plan***

5.3.1 This proposal seeks to increase the price that Hackney Carriage vehicle drivers can charge for journeys within the Stratford-on-Avon District. As there has been no fare increase since 2014, it is hoped that by agreeing and implementing a fair increase for drivers, this will enable the growth of the taxi trade, which has been severely impacted by Covid during the last two years.

5.3.2 The proposal has been through a 14-day consultation, which enabled both the trade, residents and members of the community to comment. During this period 24 of the 145 Stratford-on-Avon-District Council licensed drivers responded to object to the proposal.

5.3.3 No objections were received from members of the public.

5.4 ***Environmental/Climate Change Implications***

5.4.1 There are no adverse environmental impacts as a result of this report.

5.5 ***Analysis of the effects on Equality***

5.5.1 It is recognised that both elderly, disabled and vulnerable members of the public rely on the use of a taxi service for many reasons. The Regulatory Committee will consider any potential impact of an increase in the fares on these groups before making its decision.

5.6 ***Data Protection***

5.6.1 Drivers that objected to the Public Notice were emailed and asked whether they wish for their objection to be included as part of this report. It was pointed out to them that their personal data (email address, mobile number) would be redacted, to comply with Data Protection legislation. Consent has been obtained for the inclusion of the objections in **Appendix 1** to this report.

5.7 ***Health and Wellbeing***

5.7.1 There are no health and wellbeing implications in this report.

6 Risk Assessment

6.1 A significant increase to the fares could lead to a decrease in business for the taxi trade, which could result in drivers leaving the service. This, in turn, could lead to a reduction in the number of Wheelchair Accessible Vehicles (WAV) available to members of the public.

6.2 Any increase would need to be fair to both the driver and passenger.

6.3 The Council does not make any money from the tariff charge, so any impact would be on local businesses and not the Council.

7 Conclusion/Reasons for the Recommendation

7.1 The Regulatory Committee must decide whether to modify the table of fares, following objections received; and whether to commence a new public consultation for the increase requested in the mileage charge.

Julie Lewis

HEAD OF ENVIRONMENTAL & NEIGHBOURHOOD SERVICES

Background papers: None

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Rachel Gray

From: Rachel Gray
Sent: 14 November 2022 14:13
To: fareincrease2022
Subject: FW: Fare Increase & Taxi Information

From: [redacted]
Sent: 10 November 2022 21:00
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Re: Fare Increase & Taxi Information

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening Rachel.

Following discussions with colleagues I wish to formally register my objection to the above proposal. In addition I give permission for my name and comments to be included in any reports going forward.

Whilst agreeing to the 30% increase to the flag down rate (which I myself indicated I would prefer) I assumed (incorrectly as things have transpired) that this increase would also be applied to the mileage charge. In my defence, colleagues who have experienced previous increases had informed me that these had always been applied to both flag down and mileage rates. If this is not the case please accept my apologies.

I think it would be very helpful if you could publish a comparison table of other local councils showing both flag down and mileage rates to assist in redrafted survey. Should no further survey be forthcoming then I can confirm that I request a 30% increase to both the flag down and mileage rates.

Kind regards,

Brian Rose
Driver number 165

Rachel Gray

From: Rachel Gray
Sent: 14 November 2022 14:11
To: fareincrease2022
Subject: FW: Taxi Fare Increase 2022

From: [redacted]
Sent: 08 November 2022 14:13
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Re: Taxi Fare Increase 2022

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

I wish to object to the taxi fare increase and you have my consent to form part of the report. We need to increase the mileage charge from 30p to 40p as well.

Kind Regards

Marius Podosu

Rachel Gray

From: Rachel Gray
Sent: 15 November 2022 14:08
To: fareincrease2022
Subject: Anthony Quinney

-----Original Message-----
From: [redacted]
Sent: 14 November 2022 20:09
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Tariff increase

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Rachel, i confirm i object to the proposed tariff increase and give consent to include my comments in a report . The charge increase needs to include an increase on the mileage and not just the flag down.
Yours sincerely Anthony Quinney

Sent from my iPhone

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For more information please visit
https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.symanteccloud.com%2F&data=05%7C01%7Cfareincrease2022%40stratford-dc.gov.uk%7Cb4f3e880f470449eb03508dac712de90%7Cea0773dc0dec4c50a4c9bc26a247ed21%7C1%7C0%7C638041181089623572%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=7qeLb6urW5JXZnMHaxBZPLIRskbFxfT2GChG2KJozZI%3D&reserved=0

Rachel Gray

From: Rachel Gray
Sent: 15 November 2022 14:09
To: fareincrease2022
Subject: Tomasz Prochnicki

From: [redacted]
Sent: 14 November 2022 19:40
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Taxi Fare Increase 2022 (FORMAL OBJECTION)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Rachel.

Please accept this email as a formal ojection and put it to the Panel for consideration.
I give you my consent for my name Tomasz Prochnicki, badge no. 692.
My comments:
Thank you for increasing
"Initial Charge" by 30%.
Anyway "Mileage Charge" still stays the same which is the most important part of a taxi fare because of quickly rising fuel costs and other business's expenses too.
The current proposal of increasing "Initial Charge" only give us a rise of 70p to each journey no matter how far the journey is, for example:
2 miles or 30 miles trip, both trips are increasing the same (£0.70).
Could you consider increasing "Mileage Charge" as well, please?

Kind regards

Tomasz Prochnicki

Rachel Gray

From: Rachel Gray
Sent: 15 November 2022 14:09
To: fareincrease2022
Subject: Tomasz Prochnicki

From: [redacted]
Sent: 14 November 2022 19:40
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Taxi Fare Increase 2022 (FORMAL OBJECTION)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Rachel.

Please accept this email as a formal ojection and put it to the Panel for consideration.
I give you my consent for my name Tomasz Prochnicki, badge no. 692.
My comments:
Thank you for increasing
"Initial Charge" by 30%.
Anyway "Mileage Charge" still stays the same which is the most important part of a taxi fare because of quickly rising fuel costs and other business's expenses too.
The current proposal of increasing "Initial Charge" only give us a rise of 70p to each journey no matter how far the journey is, for example:
2 miles or 30 miles trip, both trips are increasing the same (£0.70).
Could you consider increasing "Mileage Charge" as well, please?

Kind regards

Tomasz Prochnicki

Rachel Gray

From: Rachel Gray
Sent: 15 November 2022 14:09
To: fareincrease2022
Subject: Emilia Kowlaska

From: [redacted]
Sent: 14 November 2022 19:11
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Taxi fare increase 2022 objections.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Rachel.
Please accept this email as a formal objection and put it to the Panel for consideration. I give you my consent for my name Emilia Kowalska, badge no 1025.
My comments:
Thank you for increasing 30% " Initial Charge". Anyway "Mileage Charge" still stay the same which is the most important part of Taxi Fare because of the fuel cost rising all the time very quickly and other our business expenses too.
The current increasing "Initial Charge" only give us a rise £0.70 of each journey doesn't matter how far it is, example:
2 miles or 30 miles trip for both the same increasing (£0.70).
Could you consider to increase "Mileage Charge" as well, please? In my opinion it should rise around 20%, please.

Regards Emilia Kowalska

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Rachel Gray

From: [redacted]
Sent: 14 November 2022 19:19
To: fareincrease2022
Subject: Re: Fare Increase & Taxi Information

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Rachel,
Please take this email as confirmation that I wish to object. After talking to a number of drivers within the town I have found that all of us have been confused regarding the increase.
The 30% increase on the initial flag means on an average day of say 10 jobs would mean an increase in wages of only £7.00 which wouldn't cover the fuel increases over the last 12 months.
Also longer jobs for instance which could take up most of the day to do would only see an increase of 70p to the total price. I feel that 70p extra for a days work is unacceptable.
Regards,
Andrew Rea.

Rachel Gray

From: [redacted]
Sent: 02 November 2022 10:42
To: Rachel Gray
Subject: Re: Fare Increase & Taxi Information

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning
Can I please have clarification on the 30% increase?
The mileage rate is unchanged at 30p, which I feel needs to have an uplift in light of the fact that this rate had been unchanged for a considerable time & does not reflect current fuel prices & inflation.
Mary thanks
Richard Cureton-Taylor

Rachel Gray

From: Rachel Gray
Sent: 14 November 2022 14:10
To: fareincrease2022
Subject: FW: Fare Increase & Taxi Information

Follow Up Flag: Follow up
Flag Status: Flagged

From: [redacted]
Sent: 08 November 2022 18:28
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Re: Fare Increase & Taxi Information

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Rachel
We object to this fare increase on the following grounds
We have not a fare increase since 2014
The increase should not just be on the 1st Flag it should be across the board
If we have a fare to Heathrow airport what you propose would mean the fare increase would be 70p with the cost of fuel and maintenance skyrocketing it is only fair thefare rise should be for the whole journey hence our most strong objection
Yours Bill Dowling

Rachel Gray

From: Rachel Gray
Sent: 16 November 2022 11:27
To: fareincrease2022
Subject: FW: Fare Increase Objection

From: [redacted]
Sent: 16 November 2022 10:50
To: Rachel Gray <Rachel.Gray@stratford-dc.gov.uk>
Subject: Re: Fare Increase Objection

> **CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Rachel

My objection is based on the facts of present day living costs.
Petrol and diesel, electric and gas, council taxes etc have all risen This mornings press states the cost of living as risen by 11.5%%.
A new wca taxi now cost over £30000+
so in order to keep a decent standard of taxi we need more money.
The alternative of this is to lower the age limits presently in force. eg 5year introduction

I hope you can appreciate the common sense factor involved and agree a substantial rise is needed.
Sorry to say but your e mails were a bit vague and perhaps that is why a low response was received.

Therefore I would like my objection to stand.

Regards Terry

Rachel Gray

From: [redacted]
Sent: 07 November 2022 15:58
To: Rachel Gray
Subject: Fare increase

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Rachel,

I have seen on the Council website some calculations for new tariffs. Probably many taxi drivers sent you emails I do think there is some errors over there. If the increase is by 30%(as we asked for)should be seen in the final price, but it looks like the only increase will be in the initial charge. Can you please let us know if there is an erorr or the only increase will be only 70p per fare.

Kind regards
Emil Lefter

Sent from my Galaxy

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Rachel Gray

From: [redacted]
Sent: 08 November 2022 09:33
To: Rachel Gray
Subject: Re: Fare Increase & Taxi Information
Attachments: Fare Increase Public Notice Nov 22.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Greetings,
It was only drawn to my attention by other drivers that the new table of fares is rather shambolic therefore not acceptable. To increase just the initial charge was not mentioned and I would like the proper carriage rates to be debated and approved.
Regards
Jan

Sent from my iPad

Dear Stratford district council Licensing

I am the owner of Othello Taxis LLP and I am Writing to you for myself and on behalf of my team of taxi drivers with objection to your proposed taxi meter increase.

When I started this company in September of 2016 the fuel price was £1.13 per liter of diesel (UK average) the cost is now £1.87 per liter of diesel (UK average) this alone is putting the business financial woe, I have been subsidizing this though my own personal bank accounts for months now! , we are consistently hemorrhaging cash just on fuel alone , your proposal of 30% on just the start price will mean the driver will only be getting 0.70p extra even on a Heathrow airport which takes on average 4 hours ?.

the way the drivers are charged by most of the companies in Stratford upon Avon is per mile, So Unless SDC increase the running mile I morally cannot increase my rents per mile to the drivers as they are facing a massive increase in there costs of living and even thou I personally am facing financial ruin I cannot do that to them until the running mile is increased , it has been reported to myself that the public is flabbergasted at why it already has not been increased anyway? and also many members of the public bringing up the fact that many local authorities have already put in place months ago temporary increases in fares just to cover the cost of living crisis. I wait with bated breath that you reconsider you decision and increase the running mile.

Andrew James Wright [redacted]
David Knight
Wendy Knight
Scott Lewis
Nigel Guest
Bartosz Rosiak
Jakub Kubica
Peter Lawlor
Philip Walton
Steve Garlic
Anthony Carr
Robert Bockovec
Robert kolodziejczyk
Wojciech Cwikowski

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16 NOV 2022
AT 4pm (TIME)
RECEIVED BY
AN

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Regulatory Committee

9 December 2022

Title:	**Regulatory Committee Environmental Health and Licensing Team Update**
Lead Officer:	**Paul Reid**
Portfolio Holder/ Lead Member:	**Councillor C Kettle**

Summary

To update the Regulatory Committee on current activities within the Environmental Health and Licensing Teams for the period of 1 September to 17 November 2022.

Recommendation

That the contents of the report are noted.

---

1 Background/Information

1.1 This report presents an update on current activities within the Environmental Health and Licensing teams for the period of 1 September to 17 November 2022.

2 Environmental Health

2.1 ***Food Safety***

2.1.1 The Food Team have been instrumental in securing two voluntary closures in the District. The first of which was a commercial kitchen operating without any hot water being available which resulted in nobody washing their hands and therefore jeopardizing food safety. The second being a raw milk producer where milk samples had been taken. We have since received notification of coliform failures which, in large amounts, is a risk to food safety. Both owners have agreed that a voluntary closure was the appropriate action for them at this time and they will be in discussion with Food Officers prior to reopening their respective commercial activities.

2.1.2 The post Covid recovery inspection programme started by the Food Standards Agency (FSA) comes to an end in March 2023 and food officers are on track to complete their planned visits. In April 2023 the new food delivery programme will come into effect, which will hopefully help focus resources and ultimately enable officers to get back on track with the food code of practice.

2.1.3 Following a complaint concerning chicken portions being served raw at a hotel, a Food Officer visited the premise and found a lack of food safety management systems in place. Additionally, it was found that the food handlers had not received sufficient training. Supplementary procedures and protocols have now been implemented to ensure that food safety

standards are more robust. This premise received a written warning and will be revisited in the near future.

2.2 *Infectious Disease*

2.2.1 Environmental Health Officers were informed by the United Kingdom Health Security Agency (UKHSA) of a suspected case of legionella in the District. Legionella bacteria is commonly found in water and multiplies in temperatures between 20-45°C. This bacterium is usually dormant below 20°C and does not survive temperatures in excess of 60°C. Officers retraced the movements of the infected person and found a venue in the north of the District that has a number of warm water features associated with their activities. No risk assessments had been undertaken concerning these activities and no water sampling had been taken with regards to legionella. The owners of the company were informed of their lack of health and safety requirements, and they agreed to put measures in place to rectify this. Officers will be revisiting the site to establish their progress in assessing the risks that legionella presents.

2.2.2 Environmental Health was informed by UKHSA of a confirmed case of avian influenza in Stratford-upon-Avon. Measures have been taken to inform the public of this confirmation, which includes signage on the Recreation Ground and Bancroft Gardens. The signage asks the public not to feed the birds and to keep dogs on a lead, whilst offering advice on how to report sick and dead birds. We will continue to work with our partners to minimise the risk to the public in areas where we receive notification of avian influenza.

2.3 *Environmental Noise*

2.3.1 High Speed Rail 2 (HS2) tunnelling is progressing satisfactorily, and the contractors have applied for additional consents for construction activities under section 61 of the Control of Pollution Act 1974. Tunnelling activities are operating 24 hours, which involves associated activities to facilitate this anticipated level of work.

2.3.2 The Environmental Protection Team have undertaken a number of planned out of hours visits to witness some of the more challenging nuisance cases. These visits allowed the officers to determine the outcome of the complaint. Officers have also undertaken visits to licensed premises in order to address noise related issues and to help owners comply with their premise license conditions.

2.3.3 Environmental Protection Officers have commenced formal legal action against a large factory in the north of the District for breaching an abatement notice. A court date has been set for January 2023. Unfortunately, the intervention of Environmental Health has not prevented the noise from reoccurring and local residents continue to be disturbed and annoyed by the activities of this factory.

2.4 *Air Quality*

2.4.1 The annual Air Quality Status report has been completed and submitted to the Department for Environment, Food and Rural Affairs (DEFRA), and is published on our website. Our two real-time air quality monitors are deployed in our Air Quality Management Areas (AQMA), namely, Studley and Stratford-upon-Avon where we typically get the worst air quality in

the District. The data from the monitors is live and available on our website, and residents and Councillors will be able to see the air quality data for these locations.

2.5 **Public Health Burials**

2.5.1 Environmental Health officers have dealt with four pauper's funerals during this reporting period, which is double the number for the rest of year. These funerals have been unusually complicated and have therefore resulted in more officer time than usual.

2.6 **Dogs**

2.6.1 The Dog Warden has seen an increase in the number of stray dogs throughout the District, some of which appear to have been used for dog breeding but have now been cast aside. This is likely to be a contributory factor in the noticeable increase in dog fouling complaints.

2.7 **Planning applications**

2.7.1 Environmental Health continues to respond to a limited number of planning applications, including housing developments, as these are often time consuming. Environmental Health officers have attended two Planning Committees to provide technical assistance on planning applications.

2.8 **Private Water Supplies**

2.8.1 A local water testing laboratory is now undertaking water sampling on our behalf, and we are on track to complete all of our necessary sampling of regulated supplies. Additionally, a specialist private water consultant has started to assist us with the outstanding private water risk assessments and to follow up on work that was required for premises at the start of this year. Environmental Health officers will continue to work their way through the re-visits to establish progress on compliance and, where necessary, take formal action to get outstanding matters resolved.

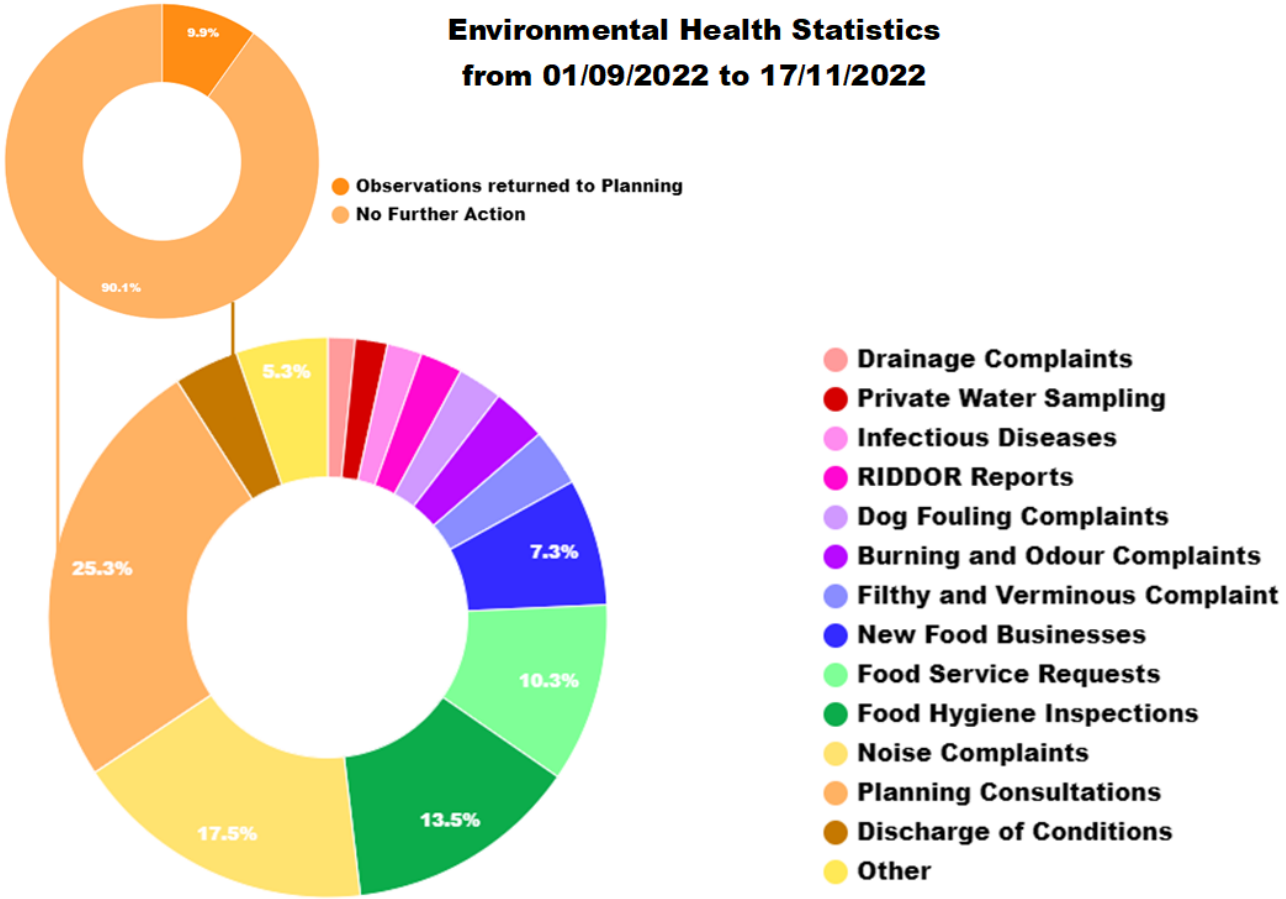
2.9 **Councilor training**

Environmental Health and Planning officers came together to deliver training for Councillors regarding artificial light pollution. Environmental Health generally experience an increase in the number of light complaints during the autumn and winter months.

2.10 **Environmental Health Work Activity**

Service Requests				
Work Area	**September**	**October**	**November**	**Total**
Fatality Investigation	0	0	0	**0**
Food Hygiene Inspections	40	32	22	**94**
Food Service Requests (including complaints and advice)	21	28	23	**72**
Infectious Diseases	4	7	3	**14**
New Food Business Registered	21	19	11	**51**
RIDDOR (Accident) Reports	6	7	4	**17**

Burning and Odour Complaints	8	10	4	**22**
Dog Fouling Complaints	12	2	4	**18**
Drainage Complaints	4	3	4	**11**
Filthy and Verminous Complaint	12	4	7	**23**
Licensing Consultations	2	0	1	**3**
Noise Service Requests/Complaints	52	43	27	**122**
Pest Control Contracts Held	44	41	36	**36**
Pest Control Service Requests	6	0	4	**10**
PPC	0	0	0	**0**
Planning Consultations	66	73	37	**176**
Discharge of Conditions	8	12	6	**26**
No Further Action	22	69	0	**91**
Observations returned to Planning Dept	5	4	1	**10**
Private Water Supply Sampling	0	0	13	**13**
Public Health Funerals Referred by Coroner	3	1	0	**4**
Stray Dog	4	3	3	**10**
Total Service requests actioned across Environmental Health	**340**	**358**	**210**	**823**



3. Licensing

3.1 The Licensing Team have a broad remit including; issuing, administering, advising on, and enforcing licences, consents, and registrations of a number of different types, under a wide variety of legislation.

4. Licensing Activities

4.1 Premise Licensing

4.1.1 The Licensing Team continues to actively participate in multi-Agency meetings which includes almost all of the responsible authorities consulted with, in relation to premise license applications. These meetings facilitate partnership working and the sharing of information, which enables all parties to focus their efforts on premises that are of mutual concern and thereby enhance public safety throughout the District.

4.1.2 Licensing officers continue to attend a selection of Pubwatch meetings, that are attended by local Designated Premises Supervisors (DPS) in Stratford Town Centre. This forum is used to offer technical advice on licensing matters and to seek compliance with the licensing objectives.

4.2 Hackney Carriages and Private Hire

4.2.1 Officers are currently conducting an audit of all licensed Dual Drivers in respect of medicals. This exercise is to identify any drivers that may have an out-of-date medical certificate. This follows a period of flexibility during the pandemic where drivers could not access their doctors to undertake their medical examination. Similarly, checks are being conducted in respect of the Ministry of Transport (MOT) and taxi inspection test that licensed vehicles need to have every six months if they are over three years of age, which is a condition of this Council.

4.2.2 Three Hackney Carriage vehicle proprietors have sought permission to change their vehicle from a Hackney Carriage to a Private Hire. This means the vehicle can then only be prebooked, unlike a Hackney Carriage which can be hailed and work from the authorised ranks within Stratford-upon-Avon Town Centre. We currently have more licensed Hackney Carriage vehicles (81) than Private Hire vehicles (53). With the growth of online booking apps and the current culture of the public pre booking licensed vehicles, there is a strong likelihood that this is now starting to impact on the Hackney Carriage trade.

4.2.3 Licensing officers are now a consultee for applications concerning road closure orders in Stratford-upon-Avon Town Centre. Licensing officers have objected to a number of these applications recently, due to the lack of or no provision for taxis ranks that become inaccessible due to road closures. Events in the town this year have seen the trade require alternative rank spaces on many occasions.

4.3 Animal Welfare

4.3.1 The work surrounding licensable animal activities continues to represent a significant part of the workload for the Licensing Team. With more people working from home as an impact and result of the pandemic, there has been a significant increase in households now choosing to have a dog as a family pet. Consequently, there has been an increase in dog breeding activities as well as the need for dog day care, home boarding and

kennelling. In addition to routine animal welfare inspections and enforcement of unlicensed activities, the Licensing Team continues to provide advice, guidance and support to new animal welfare businesses.

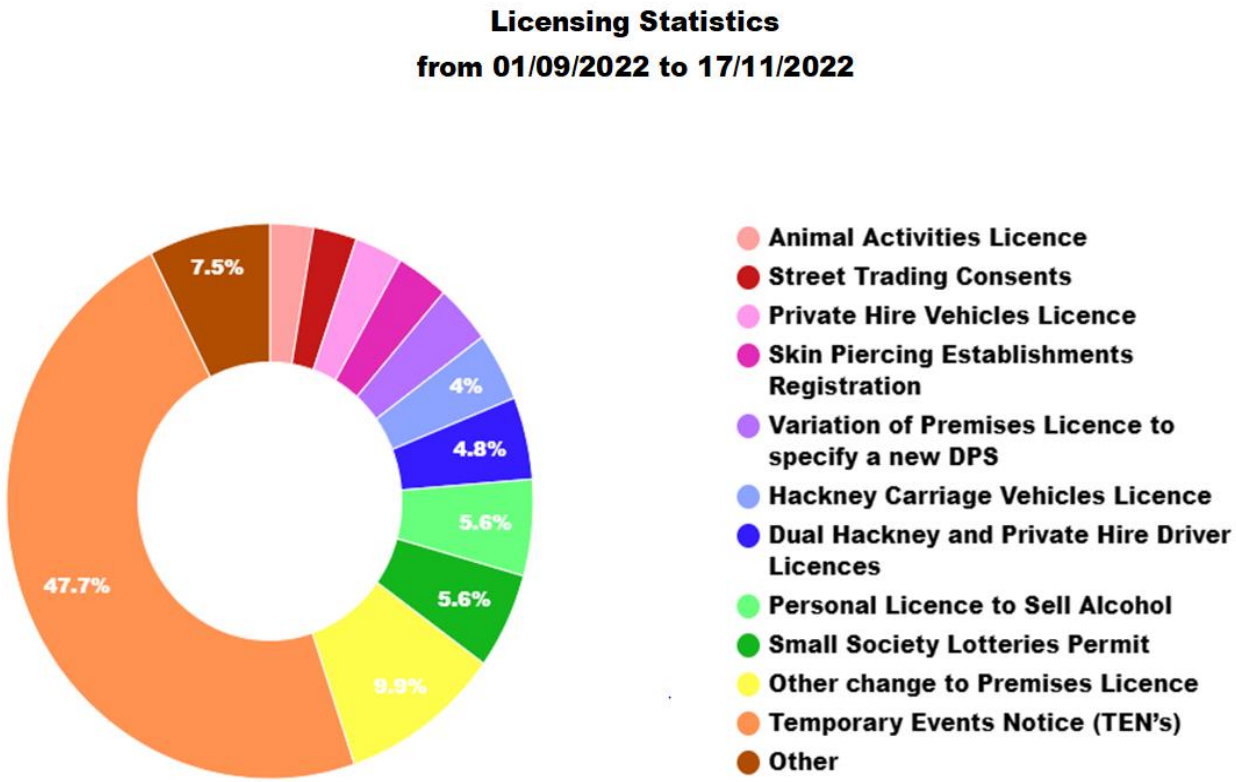
4.3.2 Licensing officers continue to investigate and work with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in respect of illegal dog breeding and concerns regarding animal welfare which seem to go hand in hand.

4.3.3 Licensing officers received a complaint in respect of the hygiene standards at a licenced animal boarding establishment. A visit was made to the premises and officers found evidence to substantiate the complaint and the company was issued with a formal written warning. The company was also given a list of suggested improvements; their star rating and the number of animals they were allowed to keep was reduced.

4.6 Licenses issued

Licence Type	September	October	November	Total
Animal Activities Licence	4	4	2	**10**
Application for Review of a Premises Licence	0	0	0	**0**
Club Gaming Machine Permits	0	0	0	**0**
Dual Hackney and Private Hire Driver Licences	11	7	0	**18**
Gambling Premises Licence		3	0	**3**
Hackney Carriage Vehicles Licence	3	8	4	**15**
Minor Variation of a Premises Licence	1	1	1	**3**
Notification of two or less gaming machines in a licensed premise	0	1	0	**1**
Pavement Licences	1	1	0	**2**
Personal Licence to Sell Alcohol	2	13	6	**21**
Pleasure Boats Licence	0	0	0	**0**
Boatmen Licences	0	0	0	**0**
Premises Licence	3	1	2	**6**
Private Hire Operators Licences	0	0	1	**1**
Private Hire Vehicles Licence	0	7	4	**11**
Skin Piercing Establishments Registration	8	4	0	**12**
Small Society Lotteries Permit	2	10	9	**21**
Street Trading Consents	7	2	1	**10**
Temporary Events Notice (TEN's)	64	67	48	**179**
Transfer of a Premises Licence	0	2	1	**3**
Variation of a Premises Licence	0	1	0	**1**
Variation of Premises Licence to specify a new DPS	0	10	3	**13**
Other type of change to Premises Licence	36	1	0	**37**
Street Collection Licence	0	1	1	**2**

House to House Collection	1	4	1	**6**
Caravan Fit & Proper Person	0	0	0	**0**
TOTAL	**143**	**148**	**84**	**375**



4.7 Service requests

4.7.1 The Licensing Team have received a total of 357 service requests since the last update in September 2022 and have closed and dealt with 326. Therefore, the Licensing Team are dealing with 31 active service requests at the time of writing this report.

5. Evidence Base

5.1 Not applicable.

6. Consultation and Members' comments

6.1 No comments have been received in response to this briefing report.

7. Implications of the proposal

7.1 Legal/Human Rights Implications

7.1.2 This Regulatory Committee report is for briefing purposes only.

7.2 Financial

7.2.1 There are no financial implications for Stratford-on-Avon District Council.

7.3 Council Plan

7.3.1 This Regulatory briefing report offers an insight in to how the Environmental Health and Licensing Teams have been serving the needs of residents and the community and the level of enforcement that has taken place within the District.

7.4 Environmental/Climate Change Implications

7.4.1 There are no environmental issues that are affected by this report.

7.5 Analysis of the effects on Equality

7.5.1 There are no equality issues that are affected by this report.

7.6 Data Protection

7.6.1 There are no data protection implications.

7.7 Health and Wellbeing

7.7.1 There are no health and wellbeing implications in this report.

8 Risk Assessment

8.1 There are no risks associated with this report.

9 Conclusion/Reasons for the Recommendation

9.1 The contents of this report for noting by the Regulatory Committee.

Julie Lewis

HEAD OF ENVIRONMENTAL AND NEIGHBOURHOOD SERVICES

Background papers:

None