

# Swindon Borough Council

## Licensing Committee

**Wednesday, 11 January 2012**

Committee Room 6, Civic Offices (Anticipated meeting room)

**At 5.30 p.m.**

**Conservative  
Councillors**

Vera Tomlinson  
(Chair)  
Richard Hurley  
(Vice-Chair)  
Rex Barnett  
Andrew Bennett  
Alan Bishop  
Michael Bray  
Wayne Crabbe  
Claire Ellis  
David Wren

**Labour  
Councillors**

Junab Ali  
John Ballman  
Steve Wakefield  
Robert Wright

**Liberal Democrat  
Councillors**

David Wood

**Independent  
Councillors**

John Short

**Committee Officer:** Shaun Banks (Telephone: 01793 463606)

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Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH  
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### **AGENDA**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

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

To receive the minutes of the meeting held on 25<sup>th</sup> October and 14<sup>th</sup> November 2011.

**4. Public Question Time**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

**5. Options for Re-introducing a Traditional Street Market to Swindon.** (Pages 5 - 10)

**Date of Despatch:** 03 January 2012

**Public Question Time** - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**Access Arrangements** – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

**LICENSING COMMITTEE**

**TUESDAY, 25 OCTOBER 2011**

PRESENT:- Councillors Vera Tomlinson, Richard Hurley, Junab Ali, John Ballman, Rex Barnett, Andrew Bennett, Michael Bray, Wayne Crabbe, Claire Ellis, John Short, Steve Wakefield, David Wood, David Wren and Robert Wright.

Apologies for absence were received from Councillors Alan Bishop.

**10. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

**11. Minutes**

Resolved – That the minutes of the meeting held on 10<sup>th</sup> October 2011, be confirmed and signed as a correct record.

**12. Consultation on the proposed deregulation of entertainment, within the framework of the Licensing Act 2003**

The Committee considered (a) a report of the Head of Licensing setting out Government proposals to remove the bulk of controls over regulated entertainment from the scope of the Licensing Act 2003, (b) a proposed formal response prepared by the Head of Licensing, (c) a copy of “Regulated Entertainment – A consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003, and (d) the views of Members on issues raised by the consultation paper and responses.

Resolved – (1) That the head of Licensing be authorised to prepare a formal response to the consultation paper on the deregulation of Schedule One of the Licensing Act 2003 based upon his proposed response and Members’ comments expressed at this meeting.

(2) That the Head of Licensing be authorised to prepare a covering letter setting out the key issues raised by Members on the effect of the proposed amendments to the Licensing Act 2003, including the adverse effect any such proposals will have on the localism agenda.

(3) That the Chair and Vice-Chair be authorised to approve the Head of licensing’s formal response on the deregulation of Schedule One of the Licensing Act 2003.

(4) That a copy of the cover letter and formal response to the consultation paper on the deregulation of Schedule One of the Licensing Act 2003 be forwarded to all Members of this Committee, Swindon’s Members of parliament and partner organisations for their information.

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## **LICENSING COMMITTEE**

**MONDAY, 14 NOVEMBER 2011**

**PRESENT:-** Councillors Richard Hurley (Vice-Chair), Junab Ali, John Ballman, Rex Barnett, Alan Bishop, Wayne Crabbe, Claire Ellis, John Short, Steve Wakefield, David Wood, David Wren and Robert Wright.

Apologies for absence were received from Councillors Andrew Bennett, Michael Bray and Vera Tomlinson.

### **13. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **14. Minutes**

Resolved – That, subject to the inclusion of Councillor Claire Ellis in the list of attendees, the minutes of the meeting held on 10<sup>th</sup> October 2011, be confirmed and signed as a correct record.

### **15. Public Question Time**

No public questions were received during the meeting.

### **16. Consideration of Swindon Hackney Carriage Vehicle Specifications**

The Committee considered (a) a report of the Group Director of Environment, Regeneration and Community setting out recommendations in respect of Hackney Carriage Licence Specifications, (b) an oral update from the Council's Transport Enforcement Officer, (c) a written submission from Allied Vehicles, (d) comments from Hackney Carriage Drivers present at the meeting, and (e) questions to and answers from officers regarding issues raised at the meeting.

Resolved – (1) That, subject to confirmation by Council:

(a) the Council's Hackney Carriage Vehicle Specification be confirmed as the Metropolitan Conditions of Fitness with the exception that (i) the reference to a ten metre turning circle for vehicles be removed, and (ii) all vehicles licensed as Hackney Carriages be side loading only in order that they can safely access existing Hackney Carriage ranks;

(b) the age limit vehicles conforming to the Metropolitan Conditions of Fitness be retained, as in the current policy, at ten years with a two-year extension based upon an annual inspection and six monthly M.O.T. tests;

(c) the age limit vehicles not conforming to the Metropolitan Conditions of Fitness be retained, as in the current policy, at five years with a two-year extension based upon an annual inspection and six monthly M.O.T. tests.

(2) That, further to (1)(c) above, the policy on the age limits of vehicles not conforming to the Metropolitan Conditions of Fitness be reviewed by this Committee once officers have compiled sufficient evidence as to the durability of new models of vehicles being licensed by this Authority.

(3) That this Committee agrees in principle to the creation of a programme of Disability Awareness training for all newly licensed Hackney Carriage and Private

Hire Vehicle drivers and instructs officers to bring a report to this Committee setting out proposals for the training programme together with details of how any such programme will be funded.

(4) That, further to (3) above, any new Hackney Carriage and Private Hire Vehicle drivers licensed prior to the commencement of a Disability Awareness training programme be required to complete Disability Awareness questions as part of their Drivers Knowledge Test.

(5) That officers submit a report to this Committee, by no later than 1<sup>st</sup> March 2012, setting out proposals for the future of Hackney Carriage Saloon Vehicles.

(6) That the Council's Private Hire and Hackney Carriage Licensing Officer be authorised to write to the Secretary of State for Transport setting out this Committee's disappointment and concern that there is no national guidelines on suitable conditions for the licensing of Hackney Carriage Vehicles.

**Report to explore options for re-introducing  
a traditional street market to Swindon.**

**Licensing Committee**

**Date: 11 January 2012**

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**Author:** Head of Licensing

**Wards Affected:** Central, Eastcott and all wards

**Purpose**

- To consider the possibility of re-introducing a traditional street market to Swindon.

**Recommendation**

Licensing Committee is asked : -

- To consider whether to explore options for the introduction of a regular traditional street market in the town centre.
- A consultation with fixed retail interests to be undertaken, to gauge the potential impact on them of traditional street market, in the various forms that could take.
- That a working party of Members be set up, to examine what factors make markets successful and sustainable, to report back to this committee.

**1. Reasons**

- 1.1 It is believed that there is broad in principle support in Swindon for a traditional town centre street market. If it is possible to achieve that, a pre-condition will be striking a proper balance, so that the street scene is enlivened, while fixed retail also benefits.

**2. Detail**

- 2.1 In the 'Seventies and 'Eighties there was a large street market in the former surface car park situated where Fleet Square is now. The redevelopment of that area for leisure, retail, hotel and residential use came after that market had gone into serious decline, in the 'Nineties.
- 2.2 The recent pattern of street trading in Swindon town centre has followed a very different pattern. Trading has taken place from isolated pitches, traders have operated on most days of the week and the trading platforms have generally been tow trailers rather than trestle tables. The sale of food for immediate consumption has dominated, despite the abundance of fixed fast food outlets.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

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- 2.3 The characteristics of a traditional street market are very different and can be summed up by a. trading from trestle tables with awnings; b. trading one or two days a week on a 'market day'; c. sale overall of a very wide range of merchandise; d. a substantial offer of fresh food sold for later preparation or consumption at home.
- 2.4 Existing 'pitch' based trading has caused (and continues to cause) serious damage to neighbouring fixed retail, by making neighbouring units difficult to let or by driving down rental potential when they are let. Street trading of whatever kind is not sustainable if its overall economic impact is negative.
- 2.5 To be sustainable, street trading in the town centre needs the support of retail landlords. That will come about if it boosts the businesses conducted by their tenants, by driving footfall. Nothing is gained if street traders simply reap the advantage by trading at times when footfall is high anyway. On a Wednesday, they would make less money than they would on a Saturday but with the likely advantage of backing from the retail trade, rather than opposition from them.
- 2.6 It is probable that the street market in Fleet Street declined in part as a result of aggressive pricing by supermarket and DIY chains but another factor may have been its location. It found itself on the periphery when retail faded from Bridge Street and Fleet Street.
- 2.7 With a 'street market' model rather than a 'pitch' model, street trading even in the core of the town centre might be sustainable.
- 2.8 The government department Business, Industry and Skills is undertaking a review of street trading legislation to ensure conformity with European law. One element of the required changes to Prohibited Streets (for the purpose of street trading) is that they need to become semi-permeable. BIS acknowledge that the protection afforded by Prohibited Streets is important in some circumstances [most often, this is about protecting the future of town centres] but they note that it may be possible to allow infrequent use, while still maintaining a proper balance. Infrequent use – perhaps a day a week ? – may be allowed to side-step prohibitions currently in place.

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- 2.9 Noise restrictions on a single rock concert on one site are usually more relaxed than the limits applied when several events a year are held on the same land. For a fixed retailer, the presence of a street market every Wednesday is a very different prospect than a stall which is parked outside every day.
- 2.10 At minimum, the change in the status of Prohibited Streets should make it possible for a stall to sell hot chocolate or a mulled wine during the Christmas lights switch-on, even within a Prohibited Street. That is clearly desirable.
- 2.11 Where the line will eventually be drawn is not known yet but if the Prohibited Street exemption goes as far as allowing trading one day a week, one of the core streets in the town centre could host a traditional street market.
- 2.12 A monthly flea market on the continental model might be very successful in Fleet Street and its environs, which are consent streets. That area would benefit from the footfall and there are no obvious commercial sensitivities. A light touch there in terms of management, presentation and retail offer would be sufficient.
- 2.13 As a location for a weekly street market, it is probably not sufficiently central.
- 2.14 It would be possible in principle to bring surface car parks or redevelopment land into use but a market would have to be a major customer draw if it were to survive in such a location. In the main, it is the shops that bring in the custom and the markets which get the benefit. With that sort of land, all the disruption of re-location would be inevitable, in the medium or long term.
- 2.15 The very high footfall areas of the retail core are The Parade, Regent Street and Canal Walk. Footfall in Wharf Green is quite low and attempts to drive it up have been challenging. Market traders complain that it is not viable.
- 2.16 In the core area, Canal Walk is the widest avenue and on paper it is the most obvious candidate to accommodate a traditional market.
- 2.17 Canal Walk (like the other core streets) is not suitable for street trading on the 'trailer parked up every day' model. That is why it has

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Prohibited Street status. The considerations may be different if what is proposed is a proper street market, with trestle tables and awnings. A market of that kind could be of benefit to the amenity of the area, if approached in the right way.

- 2.18 In principle, areas of highway can be set aside for street trading, if doing so improves the local amenity. Not all street trading would qualify but as examples, the markets in Norwich and Newark clearly boost their amenity and their reputation. A collection of fast food trailers would have the opposite effect.
- 2.19 Under the right circumstances, so-called 'themed' markets might provide enhanced amenity. Unfortunately most such ventures these days lack authenticity.
- 2.20 Practical crowd management and the avoidance of theft from the person point in the same direction as having fixed retailers on side. Raising footfall mid-week makes sense but generating congestion on a Saturday does not.
- 2.21 It is recommended that CIT Group plc (freeholder of the Brunel Shopping Centre) and the retailers along Canal Walk are consulted directly to see whether they would support the introduction of a traditional street market and, if so, what constraints they would want to be applied.
- 2.22 A market which created a barrier down the middle of Canal Walk would block pedestrian flows from one side of the street to the other and that would be to the detriment of shops. With wide enough gaps at frequent intervals, a street market might encourage that flow and improve the retail environment
- 2.23 No two situations are alike but there are thriving street markets (and collapsing street markets) within easy reach and it would make sense to learn from what makes them thrive or fail.
- 2.24 On the face of it, the economic downturn ought to benefit market stalls. Their focus on low value items and the fact that they have minimal overheads and great flexibility ought to work on their favour. What is clear in practice though is that the sector is under severe economic pressure. Many established markets are suffering and in decline.

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- 2.25 They have been hit by the fall in discretionary spending and by deep discounting elsewhere. Pound stores have displaced them across a wide range of goods. Supermarkets compete with them head on. Even purchases made online have eaten into their trade. Finally, since they sell low value items, they are disproportionately affected by the cost of town centre car parking.
- 2.26 It would be unrealistic to imagine that a street market would provide an income stream for the Council. The potential benefit has to be seen in terms of town centre regeneration.
- 2.27 Although it is often claimed by street traders that they have a loyal customer base, it seems to be rather more the case that their trade relies on impulse purchases and that they benefit from footfall generated by others. Many more people say that they support street trading than actually commit to buying from street traders. Policy needs to be built on what people actually do, not on what they say they do.
- 2.28 Establishing a street market will be difficult, especially in the current economic climate. It may not even be possible. An investigation of the factors which work for and against will aid the chances of success.

### **Alternative Options**

It would be possible to focus attention on an out-of-town site but the potential synergies make the town centre a more obvious option and town centre regeneration ought to be the main focus.

#### **Risk Management**

##### *Financial and Procurement Implications*

There are minimal financial implications arising from the report itself. The proposal is that a study is undertaken. That would involve subsistence claims being submitted by staff and Members for local travel to markets in places such as Stroud, Cirencester and Marlborough. At any one time, there are working parties concentrating on areas of interest. This report is about making markets a priority area for study, rather than increasing the amount of such activity overall. Any financial implications for the Council arising from a recommendation from a working party would be set out in a future report.

*Legal / Human Rights Implications* All administrative and policy decisions have

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implications for competing Human Rights Act interests but for the most part these must be balanced one against another. The proposal to set up a working party has no immediate Human Rights implications.

*Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

The proposal is in line with the corporate commitment to build a thriving and sustainable town centre economy.

**Consultees**

- It is proposed that CIT Group plc and Canal Walk retailers are consulted at any early stage.
- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

**Background Papers and Appendices**

- None

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