
Meeting	Licensing and Regulatory Committee
Date	6 February 2025
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Knight, Mason, D Myers, Nicholls, Ravilious, Smalley, Widdowson, Warters and Wilson
Apologies	Councillor Kilbane

75. Apologies for Absence (5.35pm)

Apologies for absence were received and noted for Cllr Kilbane.

76. Declarations of Interest (5.35pm)

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. There were no declarations of interest.

77. Public Participation (5.35pm)

It was reported that there had been seven registrations to speak and one written representation for Agenda item 7 Street Trading Policy update. The written representation had been submitted by Make it York (MiY) and had been published as a supplement to the published report for the item.

Margaret Rush explained that she and her husband were Directors of Graham's Ices and she thanked everyone involved in the work of street trading and she welcomed the formation of the working group. She noted concern regarding Cllr Kilbane as a member of the Board if MiY. She noted a number of safety issues with the Christmas Market. She noted problems with option 2 in the published report and added that the preference of the Street Trading Association was for option 1, adding that no changes should be made until the consultation had finished.

Dan Zoccolan noted that he had run a street trading business for over 30 years with multiple sites across the city. He noted

that the St Sampson's Square and Parliament Street information was misleading. He explained that his pitch in Kings Square was impacted by big structures like the carousel. He asked the committee to choose option 1 to provide security for jobs and families.

As a street trading consent holder Andrea Piette asked the committee to vote for option 1 and explained her concerns regarding option 2. She noted that street traders had regular customers and she explained how essential the location of their pitches were. She added that street traders were regularly displaced for other period other than the Christmas Market and that street traders should be able to trade on their pitches all year round.

Rob Collins expressed disappointment that the quality and professionalism of street traders was not included in the report. He noted that if the committee voted for option 2, they would not be able to go back on it. He added that if option 2 was chosen, he may have to relocate to another pitch near diesel generators and that option 2 allowed for street traders to be moved anywhere. He noted that option 1 was the only fair option.

Ian Burgess noted that he made candles and had a pitch in Kings Square. He explained that the Christmas period paid for January, February and March. He noted that option 1 brought stability and option 2 gave MiY a blank sheet of paper to do whatever they wanted. He asked who made the decision who about who moved where and how much they will pay.

Hannah Sherwood, wife of Tom Jackson and owner of Jacksons of York stated that the principle of integrity must apply. She explained that the MiY sample size of the survey on the Christmas Market was not representative. She noted that option 2 put profits over people. She added that street traders had a petition on backing local traders with over 2000 signature and that street traders were experiencing unacceptable anxiety. She noted that the committee must choose option 1 and she saw no evidence that relocating street traders affected access. She thought that there was a veiled power grab by MiY.

Tom Jackson made a number of comments on option 2 and noted that option 1 provided stability and viability for businesses and implementation of that option allowed MiY to plan with confidence. He noted that 2 would move businesses to a quiet

side of York which would be disastrous. He explained the impact of option 2 on employees. He added that his mortgage relied on trade and asked the committee to support option 1.

78. Minutes (5.59pm)

Following queries on the third from last bullet point of the Street Trading Consent Policy Update agenda item regarding whether reference was made to the Leader or Deputy Leader, and the seconder of option 1 in the Gambling Act 2005 - Statements of Licensing Policy agenda item it was:

Resolved: That the Democracy Officer check the webcast of the meeting on 4 November 2024 to clarify whether reference the third from last bullet point of the Street Trading Consent Policy Update agenda item referred to the Leader or Deputy Leader, and the seconder of option 1 in the Gambling Act 2005 - Statements of Licensing Policy agenda item and update the minutes accordingly.

Reason: In order to ensure that the minutes of the meeting held on 4 November 2024 were an accurate record of the meeting.

79. Street Trading Policy Update (6.01pm)

Following a request at the meeting held on 4 November 2024, Members considered a report updating them on the current position regarding a Street Trading Policy. The report also asked Members to determine arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market event.

The Head of Public Protection made a new recommendation to the Committee. He explained that things had been evolving and the MiY plans for the Christmas Market were nearing completion. It was recommended that the determination of the arrangements for city centre street trading consent holder trading pitches for the 2025 Christmas Market be deferred until the next meeting in March.

In response a Member question, the Chair advised that new information from MiY was needed on the Christmas Market. Cllr Cuthbertson proposed and Cllr Baxter seconded the new

recommendation to defer the decision until the next meeting in March. During debate a number of views were expressed. The Licensing Manager explained that the decision would need to be made at the March meeting as the street trading consent holder trading pitches would expire in March. She added that if there was an emergency, street traders could be moved under their consents. She explained that officers had not seen the MiY plans for the Christmas Market and added that there was one street trader in St Sampson's Square who worked evenings would need to be moved during the Christmas Market. The Head of Public Protection added that MiY wanted to make the Christmas Market more accessible.

Following a vote on the new recommendation to defer, six Members voted in favour and eight Members voted in abstention. The motion fell.

The Licensing Manager outlined the report noting that MiY had been asked by the Council to make the Christmas Market more accessible. She noted that at the 4 November Committee it had been agreed that a working group would be formed and had met on Tuesday 4 February. It was evident from the working group that a number of things were needed in the policy. She outlined the options available to Members noting that option 2 would require one street trader to be moved during the Christmas Market. She noted the officer recommendation to approve option 2.

In response to questions from Members, the Licensing Manager explained that:

- With reference to whether option 1 would guarantee street traders' current pitches, their locations were known but it was their consents that they may have to be moved slightly or may need to be moved for other reasons such as a gas leak. If their sites were available, they would be available to those traders.
- Regarding whether option 1 having implications other than the Christmas Market, the option only applied to MiY organised events.
- The late night trader on St Sampson's Square always had to be relocated during the Christmas Market and he had always been found a separate pitch.
- Option 1 would mean that MiY would have to design the Christmas Market around the street traders and they would

have to look at how to make the Christmas Market more accessible around the street trading pitches.

- A map of where the street trader pitches were located could be provided to Members.
- Regarding the Christmas Markets being accessible over the last ten years, the plans for them had changed as a result of feedback, for example the Christmas Market had changed over the past two years.
- Concerning whether there had been any complaints about street traders causing issues with accessibility, officers did not get feedback regarding the position of the street trading pitches. It was confirmed there had been no complaints regarding street trading positions.

The Committee had the following options available to them in making their decision:

Option 1 –

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents will be renewed* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted); and
 - i. that MIY takes into consideration the current trading pitches of consented street traders and draft a layout plan for the 2025 Christmas Market event that does not relocate these traders; and
 - ii. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

Option 2 –

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents will be renewed* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted);
 - i. that consented street traders will/could be relocated during the 2025 Christmas Market event (to assist MIY in planning the layout of the event, to make the event more accessible);
 - ii. that MIY guarantees a pitch within the Christmas Market event footprint at no additional cost to consent holder;

- iii. if the consent holder would like an alternative pitch within the 2025 Christmas Market event, they must make this request to MIY, any additional charge payable will be agreed between MIY and the consented street trader; and
- iv. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

Option 3 –

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents, for traders consented to trade within the city walls, will be renewed* from the 1 April 2025 for a six-month period – consents outside of the city walls will be issued for a 12-month period (or such lesser period agreed when the consent was granted). Allowing the working group time to review the draft Street Trading Policy.

*Unless there are grounds for the renewal application to be refused, for example street trading consent fees for 2024/25 period not paid in full, the public highway no longer being available or suitable to accommodate street trading activities.

Cllr Smalley proposed option 1. This was seconded by Cllr Myers. A Member asked for an update on the street trading working group and policy at the next meeting. The Licensing Manager was asked and confirmed that there would be changes to the Street Trading Policy following consultation.

[Cllr Smalley left the meeting at 6.39pm]

During debate, the Licensing Manager explained that it was a condition of every street trader's consent that if they needed to be moved for a reason they could be moved. It was acknowledged that street traders could be moved by a few metres so that were still in the same area. The Licensing Manager noted that during last 18 months during the installation of the HVM bollards, some of the street traders needed to be moved a few metres or quite a few metres to accommodate keeping the street traders trading but taking into account that the bollard work needed to be done and MiY had events on organised for Parliament Street. She added that it depended on

the situation the street trader needed to be moved for.

Clarification was given on the condition regarding moving street traders and it was confirmed that street traders could be moved and noted that the council did try to accommodate street traders being moved as close as possible. Following a question from a Member, the Licensing Manager noted that the fees would be before Members at Budget Council. On option 1 being put to the vote, there were nine votes in favour, two votes against and two abstentions. It was therefore:

Resolved: That approval be given to Option 1 to

- a. Note that a working group has been formed to consider the policy; and
- b. Determine that street trading consents will be renewed* from the 1 April 2025 for a 12-month period (or such lesser period agreed when the consent was granted); and
 - i. that MIY takes into consideration the current trading pitches of consented street traders and draft a layout plan for the 2025 Christmas Market event that does not relocate these traders; and
 - ii. for safety and good order consented street traders will following reasonable instructions from MIY Officers.

*Unless there are grounds for the renewal application to be refused, for example street trading consent fees for 2024/25 period not paid in full, the public highway no longer being available or suitable to accommodate street trading activities.

Reason: To give consent holders the certainty that their consents are being renewed for a period of 12 months (unless there are grounds to refuse to renew), as consents holders have previously told the Council that they must order stock to cover the Christmas period late summer. It also gives consent holders the reassurance that they will not be relocated from their trading pitch.

80. Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known As Club 55), 53-55 Micklegate, York, Yo1 6LJ [CYC019257] (6.48pm)

Members considered a report seeking determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.

The Licensing Manager outlined the report and annexes, noting that all conditions had been complied with following the inspection of the establishment. She added that the Police had withdrawn their objection as the conditions had been complied with. The Licensing Manager was asked and confirmed that that the condition breaches were on both the Premises Licence and Sex Establishment Licence.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1 Grant a renewal of the licence as requested.

Option 2 Renew the licence with modified/additional conditions imposed by the licensing committee.

Option 3 Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Cllr Mason then moved and Cllr Baxter seconded approval of Option 1 to grant a renewal of the licence as requested. On being put to the vote with a unanimous vote in favour, it was;

Resolved: That, in accordance with Option 1, Members approved the grant of the renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

81. Gambling Act 2005 - Local Area Profile (6.52pm)

Members considered a report requesting approval of the amended Local Area Profile at Annex 2 of the published report.

The Licensing Manager gave an overview of the report noting the inclusion of information on special schools, private schools and colleges at Annex 2 of the published report. She noted the recommendation to approve Option 3, to authorise officers to publish the amended Local Area Profile found at Annex 2, which provided details of the actual number of schools in each Ward and details of the Wards where special and private schools, and the colleges that under 18 year olds attend were located.

The Committee had the following options available to them in making their decision:

1. Option 1 – Authorise officers to make no changes to the Local Area Profile that was approved on 4 November 2024.
2. Option 2 – Amend the Local Area Profile that was approved on the 4 November 2024 to include details of the Wards where special and private schools, and the colleges that under 18 year olds attend are located, and authorise officers to publish the amended Local Area Profile.
3. Option 3 – Authorise officers to publish the amended Local Area Profile that can be found at Annex 2, which provides details of the actual number of schools in each Ward and details of the Wards where special and private schools, and the colleges that under 18 year olds attend are located.

Cllr Widdowson moved and Cllr Mason seconded his recommendation as detailed in Option 3. On being put to the vote it was unanimously;

Resolved: That approval be given to Option 3, to authorise officers to publish the amended Local Area Profile that can be found at Annex 2, which provided details of the actual number of schools in each Ward and details of the Wards where special and private schools, and the colleges that under 18 year olds attend are located.

Reason: To meet the recommendations within the Gambling Commissions Guidance to Licensing Authorities by publishing a Profile.

82. Work Plan (6.57pm)

The Chair reported that it was not known when the Street Trading Policy would come to Committee for approval. A Member requested a street trading group working group update at future meetings. The Chair invited all Members to join the different working groups.

Resolved: That the work plan be approved as presented with the published agenda.

Reason: In order to keep the work plan updated.

Cllr Melly, Chair

[The meeting started at 5.34 pm and finished at 6.59 pm].