

## **LICENSING COMMITTEE**

18 July 2017

### **Present:**

Councillor Roger D Spackman (Chair)

Councillors Sheldon, Brimble, Hannan, D Henson, Holland, Mitchell, Newby and Sills

### **Apologies:**

Councillors Branston, Foale, Keen, Owen and Pearson

### **Also present:**

Environmental Health and Licensing Manager, Solicitor and Democratic Services Officer (Committees) (MD)

## **7 Minutes**

The minutes of the meeting held on 28 March 2017 were taken as read and signed by the Chair as a correct record.

## **8 Declarations of Interest**

No declarations of interest were made by Members.

## **9 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

## **10 Proposed Amendment Consent to Street Trade**

This matter was adjourned as the Consent Holder had not been provided with sufficient notice of the meeting. The Environment and Licensing Manager advised he had spoken to the Consent Holder and discussed the issues raised in the committee report explaining the matter would be brought back to Licensing Committee if required.

## **11 Application for Consent to Street Trade in Castle Street**

The Chair introduced the Licensing Committee and the Solicitor explained the procedure, the law and the aims of the Council's Street Trading Policy.

The Environmental Health & Licensing Manager presented an application from Mr E for consent to relocate his business from its current location at the side of Pret-A-Manger to the pitch at the front of Castle Street. Mr E currently held a street trading consent on behalf of The Hot Sausage Company who operated a franchise system of

hot sausage barrows across the country. Mr E proposed to use the same 2.5m x 2.5m barrow and to continue with his current food offering.

On 1st November 2016 the Licensing Committee resolved to allow Mr E to become the consent holder, but denied Mr E's request to move the stall location the current pitch. The previous occupant had confirmed that they no longer intend to trade at the location, which Mr E had re-applied to relocate to the pitch.

Mr E and Mr B were in attendance.

Mr E informed Members that he had applied to relocate his barrow from its current location as a financial matter. He had been operating for five and half years, however the recent recession had impacted on his business. He explained that a move to the High Street, would improve his business by 15-20% and allow him to employ a new staff member so he could spend more time with his family.

In response to questions from Members, Mr E explained:-

- The business was his only source of income;
- At his current location, his barrow can be obscured by the pitch in front. If he were to move, he would not obscure other businesses in Castle Street and would benefit them, by acting as a mini landmark that highlighted the other outlets in Castle Street.

In response to questions from a Member, the Environmental Health & Licensing Manager explained that the condition for a consent holder to be responsible for rubbish within a 100m radius, was a standard condition.

Mr E and Mr B left the room for the Licensing Committee to deliberate.

**RESOLVED** that the application be approved with the following conditions:

- a) That the consent should not exceed 2.5 meters by 2.5 meters;
- b) That the pitch should be located to allow sufficient space for vehicular access should it be required. The exact location would be agreed by the Environmental Health and Licensing Manager;
- c) In the event that issues do arise from this consent, then they should be referred back to the Licensing Committee at the first available opportunity;
- d) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- e) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- f) The use of A boards and flags is prohibited;
- g) The consent holder will not conduct fly posting;
- h) That the use of diesel or petrol powered generators is prohibited.

## 12 **Application for Consent to Engage in Street Trading**

The Chair introduced the Licensing Committee and the procedure. The Solicitor explained the law and the aims of the Council's Street Trading Policy.

The Environmental Health & Licensing Manager presented the report advising the Licensing Committee that, Mr G was seeking approval to engage in street trading on Sidwell Street, opposite Halfords 178-179 Sidwell Street, selling hot food from a purpose built catering trailer. Mr G applied to trade for a 12 month period. He had

purchased the catering trailer previously owned by Mr R and intended to continue trading on Sidwell Street in the evening in the same location currently licensed to Mr R. He advised no representations had been received and that the business was currently registered under Teignbridge District Council and planned to return to Exeter, where a food hygiene certificate would be provided.

Mr G was in attendance but provided no additional comments.

In response to Members questions, Mr G explained his business was currently stored in Teignbridge and when he returned to Exeter he would provide the food hygiene report. He explained that he had raised his food hygiene rating to 4, but was intending to achieve a level 5 rating.

Mr G left the room for the Licensing Committee to deliberate.

**RESOLVED** that the application be approved with the following conditions:

- a) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- c) The use of A boards and flags is prohibited;
- d) The consent holder will not conduct fly posting;
- e) In the event that issues do arise from this consent, then they should be referred back to the Licensing Committee at the first available opportunity.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **13 Proposal to introduce an Animal Licensing Policy (Animal Welfare Act 2006).**

The Environmental Health and Licensing Manager presented the report seeking to introduce an Animal Licensing Policy to Members. The draft policy attached to the report would be used as a consultation document. He explained the Council's responsibility under animal welfare legislation was currently performed through licenses issued for various activities, and through the conditions applied to each individual licence.

He commented that the policy had been delayed while Defra had undertaken a review, which was overdue. It had been decided to progress the Council's adoption of an Animal Licensing Policy to bring it in line with other Local Authorities and to ensure the Council carries out its animal licensing responsibilities in a fair and consistent manner. A policy would also provide some guidelines in respect of the applicable law and the Council's approach to its enforcement duties. .

The Environmental Health and Licensing Manager explained that the consultation period would be 12 weeks and that no issues were expected following recent inspections that highlighted that most animal establishments in Exeter met the policy requirements. In response to questions from Members, he responded:-

- The policy won't go through Scrutiny because the Animal Welfare Act is already established and animal licensing is delegated to the Licensing Committee through the Council's constitution. The Council needed to establish the policy and conditions to make it as strong as possible;
- The policy would be enforced and sanctions available for the Licensing Committee through a sub-committee to withdraw a licence if required.

**RESOLVED** that the Committee supported the recommendation to consult on the draft Animal Licensing Policy.

14     **Amendments to the Taxi Policy - screens for advertising and English test**

The Environmental Health & Licensing Manager presented the report seeking to introduce amendments to the current Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators ('the Policy'). He reminded Members that at the Licensing Committee meeting held on 28 March 2017, Members resolved to approve an amendment to the Policy following additional safety information provided by Digi CAB Media.

DigiCAB Media had informed the Licensing Authority that they had been unable to deliver on the proposed condition 14 which set out that "passengers must be able to turn the screen off". They had been able to provide an on/off switch on the drivers control panel, which the driver would be able to turn off the screen upon request. Therefore the proposal is to amend condition 14 to "Drivers must comply with a request from a passenger to turn off the screen".

**RESOLVED** that the Committee accepts the amendment to condition 14 and approves the updated Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

The meeting commenced at 5.45 pm and closed at 7.10 pm

Chair