

LICENSING COMMITTEE

29 May 2018

Present:

Councillor Keith Owen (Chair)

Councillors Sheldon, Foale, Hannan, Holland, Mitchell, Sills, Warwick and Wright

Also present:

Environmental Health and Licensing Manager, Litigation Solicitor, Principal Licensing Officer and Democratic Services Officer

10 **Minutes**

The minutes of the meeting held on 27 March 2017 were taken as read and signed by the Chair as a correct record.

11 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

12 **Proposal to introduce an updated Gambling Act 2005 Statement of Licensing Policy**

The Principal Licensing Officer presented the report that sought to review the current gambling statement of Licensing Policy, with a legal requirement for it to be reviewed every three years. The existing policy had been brought into effect in January 2016 and been well received. The review is to be undertaken before January 2019. The draft policy attached to the report would form the basis of the consultation in order to ensure that the Council carried out its responsibilities in relation to the legislation in a consistent manner and provided detail on how the Council would approach its enforcement duties.

In response to questions from Members, the Principal Licensing Officer responded:-

- It was anticipated that there would be additional amendments from Central Government after the consultation period in relation to fixed odds betting terminals;
- Although, there were minimal changes to the policy, there would be a focus on addressing the issue of Licensed betting shops in deprived areas;
- There were more than 20 licensed betting outlets in Exeter, which included betting shops and bingo halls.

RESOLVED that the Committee supported the recommendation to consult on the Gambling Act 2005 Policy Review and authorised the consultation process.

13 **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

14 Application for Consent to Street Trade in Heavitree Park

The Chair introduced the Committee and set out the procedure. The Litigation Solicitor set out the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report advising the Committee that Mr B was seeking approval to engage in street trading in Heavitree Park for a 12 month period, operating from 9am and 5pm, seven days per week from Monday to Sunday. The applicant would be selling hot and cold drinks, cakes and biscuits, ice cream and bacon rolls from a catering van. The seating area would cover a total area of approximately 4.5m x 6m with a gazebo cover. No representations had been received and the Council's Environmental Health department had issued the applicant with a 5 star rating at its last inspection of the catering van on 29 March 2016.

The Principal Licensing Officer referred to the recommended conditions, also requesting that Members give approval for licensing officers to undertake a site visit in order to select an appropriate location for the van to operate from. Additional recommendations had been requested from the Council's Public and Greenspace Manager, which had been forwarded to the Members. The proposed additional conditions were explained.

Mr B was attendance with Mr H, a representative from Heavitree Park Life, and spoke in support of the application. The van would be in place until the proposed Park Life café was constructed and opened. Planning permission had recently been granted. Mr B stated that the tarmac area by the tennis courts would be a suitable area for the van to operate from, unless it was designated as a pathway. Mr H explained that Park Life was creating community events in the area and the van would support community events and the café business plan. Mr B explained that he would not operate the business during the winter months and requested the licence be granted for 8 months rather than 12 months as specified in the application.

The Environmental Health and Licensing Manager recommended a larger space be agreed and that the proposed opening hours commence at 0800 hours. The Committee gave approval to the proposal that the Licensing officers and Health and Safety Manager visit the site in order to agree a suitable location for the van.

The applicant requested that the fee payable for the street trading consent be reduced or waived. The Litigation Solicitor explained that the Licensing Committee did not have power to agree to a reduction or waiver of the fee as the fees were set by full Council. The applicant could consider making an application to the Council for a grant to cover the cost of the fee.

In response to questions from Members, Mr B and Mr H responded:-

- The volume of customers was expected to remain steady throughout the day, and they would aim to ensure that queues were kept to a minimum;
- There would be additional pastries provided for vegetarian customers and the bacon sandwiches would be removed from the proposed menu;
- There would be bins on site. However they would undertake litter collection;

- The generator would run at 54 decibels, which would make less noise than the standard 90 decibel generators and would not impact the nearby residents.

RESOLVED that the application be approved with the following conditions:

- a. That the consent should not exceed 4.5 meters by 6 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. Any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics;
- i. That the Consent run annually from 1st March to 31st October between the hours of 0800 hours and 2000 hours;
- j. A Risk Assessment in relation to the use of the vehicle within the park be carried out in conjunction with the Council's Environmental Health and Licensing Manager;
- k. That provision be made to provide adequate measures in order to prevent the leakage of oils, lubricants and any other substance from the vehicle and generator during the periods when it is within the park;
- l. That the vehicle be parked off the paths at all times;
- m. No damage to be caused by the van, generator or gazebo to the grassed areas. All damage to be repaired and/or reinstated by the Operator.

The meeting commenced at 5.40 pm and closed at 6.50 pm

Chair