

## LICENSING COMMITTEE

26 March 2019

### Present:

Councillor Keith Owen (Chair)

Councillors Sheldon, Begley, Branston, Foale, Henson, D, Holland, Newby, Pattison, Sills, Warwick and Wright

### Apologies:

Councillors Mitchell, K

### Also present:

Solicitor, Interim Principal Licensing Officer and Democratic Services Officer (MD)

### 5 **Minutes**

The minutes of the meeting held on 5 February 2019 were taken as read, approved and signed by the Chair as correct.

### 6 **Declarations of Interest**

No declarations of interest were made by Members.

### 7 **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 Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

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

### 8 **Application for Consent to Street Trade**

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

The Interim Principal Licensing Officer, presented the report which advised the Committee that the applicant was seeking approval to engage in street trading on Castle Street, using a pedal bike to sell ice cream for a six month period, between May and October. The applicant had supplied photographs of the proposed bicycle, the ice cream box, parasol and the attached basket. The dimensions of the bike would be 1.9m x 1.15m x 0.9m. The applicant had applied to trade between 09.30am and 17.30pm, between Monday and Sunday on Castle Street and a sample menu had been supplied to the Licensing Authority. It was confirmed that no representations had been received and that a battery operated generator would be in operation.

The applicant was attendance and spoke in support of the application, stating that he would be operating the business with his son, who was currently at University but would be running the business during the summer months. They both had a passion for running the business and using locally sourced ice-cream, with an intention to eventually make and sell their own ice-cream. All cups would be eco and compost friendly.

In response to questions from Members, the applicant responded:-

- The applicant's son would be the primary operator of the business, who was currently at University. He would be operating the business initially for six months, around the term times, but may be looking to trade for a longer duration in the future. There currently wasn't much interest in selling ice-cream during the winter months;
- If required, they could trade on for longer in the evenings, depending on how busy the High Street was, however the battery could only last for 6-7 hours;
- They would only be selling ice-cream, in recyclable containers;
- He would be looking into using discounts for re-usable cups;
- His son had undertaken market research for competitors, however there was little competition identified;
- A food hygiene certificate had been applied for and could be issued once a licence had been granted;
- The bike would be driven to the site, along with recycling bins, but the bike itself would be mobile;
- The application was the first time he had applied for a trading licence and the bike dimensions were correct. There would be a slight change to the branding;
- He would be happy to proceed with the applied conditions and the proposed operating times.

The Interim Principal Licensing Officer responded to Member enquires, stating:-

- A street scene check would identify other local competitors in the area;
- The Licensing Authority could address extending hours and days if requested to do so by the applicant.
- Traders could also apply daily for an extension to a licence if required

Following the resolution, the Chair commented that the Licensing Committee would encourage the applicant, if he was minded to apply to extend the operating period and hours, to encourage the promotion of the High Street.

**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 this consent may be revoked by the Environmental Health and Licensing Manager in consultation with the Chair of the Licensing Committee;
- f) That in line with the Council resolution of 24th April 2018; any cutlery, food/ drink containers, and drinking straws used, should not be made from single use plastics.

- g) Any power generator operated by the consent holder shall be approved by the Environmental Health Licensing Manager.

The meeting commenced at 5.30 pm and closed at 6.09 pm

Chair